ENGLANDS

BLACK TRIBUNAL

BEING

The Illegal TRYAL

OF

King CHARLES I.

Of Bleſſed Memory.

Together
With the Tryal of Col. *J. Penruddock* and Mr. *Hugh Grove*, who were beheaded for the Royal Cauſe.

The Twelfth Edition.

LONDON,
Printed for *Simon Neale* at the Sign of the three Pidgeons in *Bedford ſtreet* in *Covent Garden*. 1674.

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The First Dayes Proceeding of the High Court of Justice, &c.

THe Triall and the Execution of the last King of England, being still as much the wonder as the discourse of Christendome I shall endeavour to represent it to you, with the exactest faithfullnesse that can possibly be desired, and although others have gone before me on the same subject, by the benifit of time, I doubt not but that I shall exceed them, by the advantage of truth.

In the Supream Tribunall of Justice sitting at Whitehall in Westminster, Serjeant Bradshaw being President, and about seventy other persons, elected to be his Judges, being present; the Cryer of the Court, having proclaimed his O yes, to invite the people to attention, silence was commanded, and the Ordinance of the Commans in Parliament, in reference to the Examination

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of

of the King was read, and the Court was ſummoned, all the Members thereof ariſing as they were called.

The King came into the Court, his head covered, Serjeant Dendy *being remarkable by the Authority of his Mace, did uſher him in; Colonel* Hatcher, *and about thirty Officers and Gentlemen did attend him as his Guard.*

The Court being ſat the Lord Preſident Bradſhaw *ſpeak thus unto him.*

Charles Stuart *King of* England, *the Commons of* England *aſſembled in Parliament, being touched with the ſenſe of the Calamities which have happned to this Nation, and of the innocent blood ſpilt, of which you are accuſed to be the Author, , have both according to their office, which they owe to God, this Nation and themſelves, according to the power & fundamental faith intruſted with them, by the people; Conſtituted this Supream Court of Juſtice, before which you are now brought to bear your Charge, on which this Court will proceed.*

Mr. Crook the Solliciter Generall.

Sir. In the Name of the Commons of England, *and of all the people there-*

of

of: I do charge Charles Stuart here present, as guilty of Treason, and other great defaults, and in the name of the Commons of England, I require that his charge may be read unto him.

The *King*. Stay a little.

L. President. Sir the Court hath given order, that the Charge shall be read: If you have any thing afterwards to plead for your self, you may be heard: Hereupon the Charge was read.

THat the said Charles Stuart being admitted King of England, and therein trusted with a limmitted Power, to govern by; and according to the Laws of the Land, and not otherwise; And by his trust, Oath, and Office, being obliged to use the Power committed to him, For the good and benefit of the People, and for the preservation of Rights, and Liberties: yet nevertheless out of a wicked Designe, to erect, and uphold in himselfe an unlimited and Tyrannical power, to rule according to his Will, and to overthrow the

Rights

Rights and liberties of the people; Yea, to take away, and make void the foundations thereof, and all the redress and remedy of misgovernment, which by the fundamental constitutions of this Kingdome, were reserved on the peoples behalfe, in the right and power of frequent and successive Parliaments, or nationall meetings in Councel, he the said Charles Stuart, *for accomplishment of such his designes, and for the protecting of himself and his adherents, in his and their wicked practises, to the same ends, hath traterously and maliciously levied war against the present Parliament, and the people therein represented.*

Particularly, upon, or about the thirtieth day of June, *in the year of our Lord one thousand six hundred forty and two, at* Beverly, *in the County of* York, *and upon, or about the* 30. *day of* July, *in the year aforesaid, in the County of the City of* York; *and upon, or about the* 24. *day of* Auguſt, *in the same year, at the County of the town of* Nottingham (*when and where he set up his Standard of war*) *and also on, or about the twenty*

third

third day of October *in the same year at* Edghill, *and* Kenton field, *in the County of* Warwick; *and upon or about the thirtieth day of* November, *in the same year at* Brainchford, *in the County of* Midlesex: *And upon, or about the thirtieth day of* August *in the year of our Lord, One thousand six hundred forty and three, at* Cavesham bridge *neer* Reading, *in the County of* Berks; *and upon, or about the thirtieth day of* October, *in the year last mentioned, at, or neer the City of* Gloster; *and upon, or about the thirtieth day of* November *in the year last mentioned, at* Newbury, *in the County of* Berks; *And upon, or about the one & thirtieth day of* July, *in the year of our Lord one thousand six hundred forty and four, at* Cropredybridge *in the County of* Oxon, *And upon, or about the thirtieth day of* September, *in the year last mentioned, at* Boamin, *and other places near adjacent in the County of* Cornwall *And upon, or about the thirtieth day of* November; *in the year last mentioned, at* Newbery *aforesaid; and upon, or about the eighth day of* June, *in the year of*

our

our Lord one thouſand ſix hundred forty and five, at the Town *of* Leiceſter; *And alſo upon the fourteenth day of the ſame month, in the ſame year, at* Naſeby field, *in the County of* Northampton. *At which ſeverall times and places, or moſt of them, and at many other places in the Land, at ſeverall other times, within the year afore mentioned. And in the year of our Lord, One thouſand ſix hundred forty and ſix: he the ſaid* Charles Stuart, *hath cauſed and procured many thouſands of the Free-people of the nation to be ſlain; and by* Diviſions, parties and inſurrections, *within this land, by invaſions from Forragine parts, endeavoured and procured by him, and by* many other evill wayes and meanes. *He the ſaid* Charles Stuart, *hath not onely maintained & carried on the ſaid War, both by land and ſea, during the year before mentioned; but alſo hath renewed, or cauſed to be renewed, the ſaid war againſt the Parliament, and good people of this Nation, in this preſent year One thouſand ſix hundred fourty and eight, in the Counties of* Kent Eſſex,

Eſſex, Surry, Suſſex, Middleſex, *and many other Counties and places in* England *and* Wales *and alſo by ſea, and particularly, he the ſaid* Charles Stuart, *hath for that purpoſe, given Commiſſion to his Son the Prince and others, whereby beſides multitudes of other perſons, many ſuch as were by the Parliament intruſted and imployed, for the ſafety of the Nation, being by him and his agents, corrupted, to the betraying of their Truſt, and revolting from the Parliament, have had entertainment and commiſſion, for the continuing and renewing of war and hoſtility, againſt the ſaid* Parliament *and* people *as aforeſaid. By which* cruel and unnaturall wars *by him, the ſaid* Charles Stuart, *levied, continued, and renewed as aforeſaid, much* innocent bloud of the Free-people of this nation *hath been ſpilt, many* families *have been* undone, *the* publick treaſury waſted and exhauſted, trade obſtructed, & miſerablely decayed; vaſt expence and damage to the Nation incurred, *and many parts of the land ſpoiled, ſome of them even to deſolation.*

And

And for further prosecution of his said evill designs he the said Charles Stuart *doth still continue his Commissions to the said* Prince, *and other Rebels and Revolters, both English and Forraginers, and to the Earl of* Ormand, *and to the* Irish *Rebles and Revolters, associated with him, from whom further invasions upon this Land are thretned, upon the procurment, and on the behalfe of the said* Charles Stuart.

All which wicked desiqnes, wars, and evill practises of him. The said Charles Stuart, *have been and are carried on, for the advancing and upholding of the personall Interest of Will and* Power, *and pretended* Prerogative *to himself and family, against the publique intrest, Common Right, Liberty, Justice, and peace of the* people of this Nation, *by and for whom he was entrusted, as aforesaid.*

By all which it appeareth, that he the said Charles Stuart, *hath been, and is the occasioner, author, and contriver of the said unnatural, cruel, and bloudy wars, and therein guilty of all the treasons, murthers, rapines, burning, spoils, desolation*

deſolations, damage and miſchief to this Nation, acted or committed in the ſaid wars, or occaſioned thereby.

And the ſaid John Cook, *by proteſtation (ſaveing on the behalf of the people of* England, *the liberty of exhibiting at any time hereafter, any other Charge againſt him the ſaid* Charles Stuart *and alſo of the replying to the Anſwers which the ſaid* Charles Stuart *ſhall make to the premiſes, or any of them, or any other Charge that ſhall be ſo exhibited) doth for the ſaid treaſons & crim's, on the behalf of the ſaid people of* England, *impeach the ſaid* Charles Stuart, *as a Tyrant, Trator, Murtherer, and a publick, & an implacable enemy to the Commonwealth of* England: *And pray, That the ſaid* Charles Stuart *King of* England, *may be put to anſwer all and every the premiſes, that ſuch proceedings, examinations, tryals, ſentence, and Judgement may be there upon had, or ſhall be agreable to Juſtice.*

The

The King was often times observed to ſmile in indignation, during the reading of the Charge eſpecially at the words Tyrant, TRATOR, MURDERER, and publick enemy to the Common-wealth.

The

The full Proceedings of the High Court of Justice against King Charls I. In Westminster Hall, on Saturday the 20. of January, 1648.

L. President Bradshaw.

SIR, You have now heard the Charge read, containing such matters, as do appear therein; you have observed, that in the Conclusion thereof, it is required of the Court, in the Name of the Commons of *England*, that you answer

to your charge, which the Court doth expect.

The King. I would be satisfied by what power I am called hither? It is not long since that I was in the Isle of Wight, and I came thither, the story is longer than I conceive fitting in this place to declare. But I there entered upon a Treaty with both Houses of Parliament, with as much publick faith, as is possible to be obtained from any people in the World. I there treated with a number of honourable Lords and Gentlemen, and I treated honestly and faithfully with them; I cannot say, but they dealt very ingenuously with me; and we proceeded so far, that the Treaty was even concluded. Now I would understand by what Authority, (I mean lawfull) I am brought hither? There are many unlawfull Authorities in the world, as Theeves and Plunderers in the high-wayes. I would know by what authority I was taken from thence, and carried from place to place, I know not where? When I hear and know the lawfulnesse of the Authority, I will make my Answer: In the mean time, remember, that I am your

your King, your lawfull King; and weigh well with your selves, what sins you heap on your own heads, and the anger and judgements of God which you will bring upon this land, I say seriously weigh it before you further do proceed from one sin to a greater. Therefore declare unto me, by what lawfull Authority I sit here, and I will not refuse to Answer you. In the mean time I will not betray my trust. I have a trust committed to me by God, by an ancient and lawfull succession, I will not betray that by answering to a new and an unlawfull Authority; wherefore satisfie me in this, and you shall hear further from me.

L. President Bradshaw. If you had but pleased to observe what the Court did suggest unto you, when you first came hither, you had understood by what Authority you were brought hither; which Authority doth require of you, in the Name of the People of *England*, by whom you are elected King, that you make answer to them.

King. *No Sir, I deny that.*

L. President Bradshaw. If you do

not acknowledge the Authority of the Court, they ought to proceed againſt you.

King. *I tell them that* England *was never an elective Kingdom, but hereditary, for almoſt theſe two thouſand years. Therefore declare unto me, by what Authority I am brought hither. I labour more for the liberty of my people than any of you, who pretend to be my Judges; and therefore I ſay, declare unto me, by what lawfull Authority I am placed here, and I will anſwer you; otherwiſe I ſhall make no anſwer at all.*

L. Preſident Bradſhaw. Sir, how well you have adminiſtred the power committed to you, is ſufficiently known: The method of your Anſwering is to put Interrogatories to the Court, which doth not become you in this Condition. Twice or thrice it hath been repreſented to you.

King. *There is preſent here a Gentleman, Lieutenant Colonel* Cobbet, *demand of him, if he did not bring me from the Iſle of* Wight *by force: I come not hither to ſubmit my ſelf in this Court,*

Court. I will do as much for the Priviledges of the Houſe of Commons, rightly underſtood, as any other: I ſee not here the Houſe of Lords, which is able to conſtitute a Parliament, and the King ought to be the Super-intendent there. Is this to bring the King to his Parliament? Is this to bring the publick Treaty to an end, by the publick Faith of the world? Either ſhew me your Authority eſtabliſhed by the Scriptures, which are the Word of God, or confirmed by the conſtitutions of the Kingdom, and I will anſwer you.

L. Preſident Bradſhaw. Sir, you have propounded a queſtion, and an anſwer hath been rendred, but if you will not anſwer to what they do propound, the Court will take it into their conſideration, how to proceed againſt you. In the mean time, they who brought you hither, ſhall return you back again. The Court deſireth to be ſatisfied whether this be all the Anſwer that you will give them or not.

King. *I deſire that you would reſolve me and all the world, in this one particular.*

cular. Give me leave to acquaint you, that it is a thing of no ſmall importance which you go about. I am ſworn to keep the peace according to the duty, which I owe to God and to my Land; and I will here perform it to the laſt breath of my Body: you ſhall therefore do well firſt to ſatisfie God, and afterwards the Land, by what Authority you do this. If you do it by an uſurped Authority, you cannot defend it. God who ſitteth in the Heavens, will call you, and all thoſe, who have conferred this power on you, to give him an account of it. Satisfie me in this, and I ſhall anſwer you, for otherwiſe I ſhould betray the Faith committed to me, and the liberties of my people: Wherefore conſider of it, and I ſhall be willing to anſwer you. For I do profeſs, it is as great a ſin to reſiſt a lawfull Authority, as to ſubmit unto a Tyrannicall, or any other unlawfull authority: wherefore reſolve me in this particular, and you ſhall receive my Anſwer.

L. *Preſident* Bradſhaw. The Court expecteth that you ſhould give them a final Anſwer, and will adjourn untill *Munday* next: If you cannot ſatisfie

tisfie your self; although we tell you our Authority, our Authority will satisfie our selves; And it is according to the Authority of God and and the Kingdome, and the Peace (of which you speak) shall be preserved in the Administration of Justice, and that is our present work.

King. *I give you this for my Answer, you have not shewn me any lawfull Authority, which may satisfie any reasonable man.*

L. President Bradshaw. It is only your apprehension, we are fully satisfied, who are your Judges.

King *It is not my apprehension, nor yours which ought to determine this.*

L. President Bradshaw. The Court hath heard you, and disposed of you accordingly as their discretions have thought expedient.

The Court adjourneth to the Painted Chamber, untill Munday at ten of the clock in the morning, and from thence hither.

Something that was ominous, ought not to be passed by in silence,

when the Charge was read againſt the King, the ſilver head of his ſtaff did fall off, which he much did wonder at, and obſerving no man ſo officious to aſſiſt him, he ſtooping towards the ground did take it up himſelf.

As the King returned, looking on the Court, he ſaid, I fear not thee, *meaning the Sword. As he came down the ſtaires, the people, who were in the Hall, cryed out, ſome of them,* God ſave the King; *but the greater part,* Juſtice, Juſtice.

The

The ſecond dayes proceeding againſt the King, January 22. &c.

THe Cryer having thrice pronounced his *Oyes*, and ſilence commanded, after that the Judges were called, and every one did particulary anſwer to his Name. Silence was again commanded under pain of impriſonment, and the Captain of the Guards was ordered to apprehended any that ſhould endeavour to make a tumult.

At the commanding of the King into the Court, there was a great ſhout and the Court commanded the Captain of the Guards to apprehend and impriſon thoſe, who ſhould make either a noiſe or tumult.

The Court being ſat, the Sollicitor turning to the Preſident, ſaid, May it Pleaſe your Lord-

Lordship, my Lord President, In the former Court on Saturday, in the Name of the Commons of England, *I exhibited and offered to this Tribunal the charg of high Treasons, and other grievous crimes against the Prisoner, with which I did charge him In the Name of the People of* England, *and his charge was read, and his Answer demanded. My Lord, It pleased him at that time t' return no answer at all, but instead of answering, he questioned the Authority of the High Court: My most humble motion to this High Court in the Name of the people of the Kingdome of* England, *is that the prisoner may be compelled to give a positive answer, either by way of Confession or Negation, which if he shal refuse, that the subject of his Charge may be taken for granted, & the Court proced acording to justice.*

L. President. Sir, you may remember that on the last convention of this Court, the cause was expounded to you, for which you were brought hither, and you heard the charge against you read, it being a charge of High Treason and other grievous crimes against the Kingdom of *England*: you heard likewise, that it was required

in the Name of the people, that you ſhould anſwer to your charge, that there ſhould be a proceeding thereon, as ſhould be agreable unto Juſtice: you were then pleaſed to move ſome ſcruples concerning the authority of this Court, and you deſired to be ſatisfied in your knowledge, by what authority you were brought hither: you ſeverall times did propound your queſtions, and it was often anſwered to you, that it was by authority of the Commons of *England* aſſembled in Parliament, who did judge it requiſite to call you to an account, for the great and greivous crimes of which you are accuſed. After that the Court did take into their ſerious conſideration, thoſe things which you objected, and they are fully ſatisfied in their authority; and do conceive it requiſite, that you ſhould admit it; they therefore require that you give a poſitive and a particular Anſwer to the charge exhibited againſt you: they do expect that you ſhould either confeſſe or deny it. If you ſhall deny it, it will be proved in the behalfe of

the

the Kingdome, the whole world doth approve of their Authority. So that the Kingdome is satisfied, and you ought thereby to be satisfied your self; you ought not therefore to waste time but to give your positive answer

King. It *is true, that when* I *was last here* I *moved that question; and indeed, if if it where onely my busineſſe in particular,* I *ſhould have ſatisfied my ſelfe with that proteſtation,* I *then interpoſed againſt the lawfulneſſe of this Court; and that a King cannot be judged by any ſuperiour juriſdiction on earth; but my on intereſts are not only involved in it: but the liberties alſo of the people of* England; *and pretend what you will,* I *doe indeavor more for their liberties, than any whatſoever. For if Power without laws, can make laws change the Fundamentall laws of the Kingdome,* I *know not what ſubject in* England *can be ſecure of his life, or of any thing which he doth call his own: Wherefore when* I *came hither,* I *expected particular reaſons, that* I *might underſtand by what law, and what Authority you would proceed againſt me.* I *ſhould then perceive what moſt eſpecially* I *have to ſay unto you; for the affirmative is to be proved, which ſeldome*

ſeldome the Negative is capable of; but becauſe I cannot perſwade you thus, I will give you my Reaſon as briefly as I can.

The Reaſons for which in conſcience and duty which I ow, firſt unto God, and afterwards to my people, for the preſervation of their lives, their liberties, and their fortunes: I believe I cannot anſwer untill I am ſatisfied of your legality of it. All proceeding againſt any man whatſoever,——

Preſident. Sir, I muſt interrupt you, which I would not do, but that which you do, agreeth not with the proceeding of any Tribunal of Juſtice, you enter into a controverſie, and diſpute againſt the Authority of this Court, before which you appeare a priſoner, and are accuſed as a great Delinquent, If you will take upon you to controvert the Authority of this Court, we cannot give way unto it; neither will any tribunall of Juſtice admit it; you ought to ſubmit unto the Court, and to give an exact and direct Anſwer, whether you will anſwer to your charge or not, and what is the anſwer that you make.

King. Sir I know not the formalities

of

of the law, I know the law and reason; and although I am no professed Lawyer, I know the law as well as any Gentleman in England, *and I am more eager for the Liberties of the people of* England *than you are? and if I should believe any man, without he gives me Reasons what he saith, It would be abused; but I say unto you, that the Reasons which you give is no wayes satisfactory.*

L. *President.* Sir I must interrupt you, for it cannot be permitted to you in this manner to proceed: you spake of law and reason, it is fit that there should be both law and reason, and they are both against you. Sir the Vote of the Commons of *England* Assembled in Parliament, is the reason of the Kingdome, and they ordained this law according to which you ought [illegible] Sir, It is not lawfull for you [illegible]spute against our Authority. [illegible]gain hath been told you by the [illegible] Sir, Notice will be taken that [illegible]contemn the Court; and that [illegible]empt of yours will be recorded.

I know not how a King can be interpre-

interpreted to be a Delinquent, but by any law that I ever heard, all men, whether Delinquent, or what you will, may lawfully make objections against their Professe; this is that which I require, and I again desire that my Reasons may be heard. If you deny this, you deny Reason.

L. President. Sir, you have objected something to the Court; I will declare unto you their opinion. Sir, it is not lawfull for you or any man elſe to diſpute againſt this ſubject; It is Decreed, you ought not to diſpute againſt the juriſdiction of this Tribunall; If you ſhall yet do it, I muſt intimate unto you, that they are above objections They ſet here by Authority of the Commons of *England*; and all your Predeceſſors and you your ſelfe are bound to be accountable to them.

King. *I deny that, ſhew me one example.*

L. President Sir, you ought not to interrupt, but attend whilſt the Court ſpeakes unto you. This ſubject is not to be diſputed by you, neither will the Court permit that you ſhould

object

object againſt the juriſdiction of it, they have conſidered of their juriſdiction and do approve it.

King. *Sir, I ſay that the Commons of* England *were never a Court of judicature, and I would fain know, how they came to be made ſo now?*

Preſident Sir, it is not permitted to you to proceed in thoſe diſcourſes.

Then the Secretary of the Court did read as followeth

Charles Stuard King of *England* you have been accuſed in the Name of the people of *England* of High Treaſon, and other grievous Crimes. The Court hath determined that you ſhal anſwer to your charge.

King. *I will anſwer as ſoon as ever I ſhall underſtand, by what authority you do theſe things.*

Preſident. If this be all that you will ſpeake: Gentlemen, you who brought the priſonner hither, take him back again.

King. I *demand, that* I *may be permitted to exhibite my* Reaſons *why* I *anſwer not unto the Charge, and gvie me time to perform this.*

Pre-

Preſident. Sir, it is not for priſoners to demand.

King. *Priſoners Sir! I am no ordinary priſoner.*

Preſident. The Court hath conſidered of their own juriſdiction, and they have alſo confirmed their juriſdiction: If you will not anſwer, we will give order that your Default be recorded.

King. *You have not yet heard my Reaſons.*

Preſident. Your Reaſons are not to be heard againſt the Supreme Juriſdiction.

King. *Shew me that juriſdiction in the world, where Reaſon is not to be heard.*

Preſident. Sir, we ſhew it you here, the Commons of *England*; and the next time you are brought hither, you ſhall underſtand further of the pleaſure of the Court, and peradventure their final ſentence.

King. *Shew me, where the Houſe of Commons was ever a Court of Judicature in that kind.*

Preſident. Serjeant take away the Priſoner.

King. *Sir, Kemember that the King is not ſuffered to declare his Reaſons, for the Libertie and Immunities of his ſubjects.*

Preſident., Sir That Freedome of ſpeech is not permitted to you, how great a friend you have been to the laws and the Liberites of the people, let *England* and all the world judge!

King. *Sir, by your leave, I have alwayes loved the Liberty, the Immunities, & Laws of the ſubjects; If I have defended myſelf by Arms, I have not taken them up againſt the people, but for them.*

Preſident. You muſt obey the Decree of the Court, you give no anſwer to the Charge againſt you.

King Well Sir!

And ſo was he brought to the Houſe of Sir Robert Cotton; *and the Court was adjourned to the Painted Chamber, untill Wedneſday following at twelve of the clock, at what hour they intended to adjourn again to* Weſtminſter-hal, *where all, whom it doth concern, are commanded to be preſent.*

The

The third dayes proceedings againſt the late King at the High Court of Juſtice, Tueſday *Jan.* 23. 1648.

THe Cryer according to the Cuſtome, having with his *Oyes* commanded ſilence and attention; the King being ſate, Mr. Atturney Genrall turning to the L. Preſident ſpake in theſe words.

May it pleaſe your Lordſhip: This is now the third time that by the great grace and favour of this High Court the Priſoner hath been brought to the Bar, and yet by reaſon of his refuſall to put in his Anſwer, there is yet no iſſue joyned in the cauſe. My Lord, I did at the firſt exhibit a Charge againſt him, containing the higheſt practices of Treaſon, that were ever wrought on the Theater of *England*. That a King of *England* truſted to keep the Lawes of *England*, and who had taken an Oath ſo to do, & had tribute paid him for that end,

ſhould be guilty of ſo wicked a deſign as to ſubvert our Laws, and introduce an arbitrary, and tyrannical Government, and ſet up his ſtandard of warre againſt his Parliament and his people, and I did humbly pray in the behalf of the people of *England*, that he might ſpeedily be required to make an anſwer to his charge.

But my Lord, inſtead of making an anſwer, he did then diſpute the Authority of this Tribunal, and your Lordſhip being pleaſed to give him a further day to put in his anſwer, which was yeſterday, I did move againe that he might be required to put in a direct and poſitive anſwer to his charge, either by denying or confeſſing it; but he was then pleaſed to debate the Juriſdiction of the Court, although he was commanded to give a poſitive anſwer.

My Lord, by reaſon of this great delay of Juſtice, I ſhall humbly move for ſpeedy judgement againſt him I may preſſe your *Lordſhip* upon the known Rules of the *Laws* of the *Land*, that if a priſoner ſhall ſtand in contempt

and

and not plead guilty or not guilty to the charge given againſt him, it, by an implicite confeſſion, ought to be taken *pro confeſſo*, as I may inſtance in divers who have deſerved more favor then the priſoner at the Bar hath done But I ſhall preſſe upon the whole fact. The House of Commons, the Supream Authority of the Kingdome, have declared, (my Lord) that it is notorious. The matter of the charge is true, and clear as chryſtall, or as the Sun that ſhineth at Noon day, in which my Lord Preſident, if your Lordſhip and the Court be not ſatisfied, I have ſeverall witneſſes on the behalf of the people of *England* to produce, and therefore *I* do humbly pray, and not ſo much *I*, as the innocent blood that hath been ſhed, the cry whereof is great for Juſtice and Judgement, that ſpeedy Judgement may be pronounced againſt the priſoner at the Bar.

Preſident Sir, you have heard what hath been moved by Mr. *Solicitor* on the behalfe of the Kingdome againſt you. Sir. you may well remember, and if you do not, the

Court cannot forget the delayes which you have made. You have been pleased to propound some Questions, and amply you have had your resolution on them, you have been often told that the Court did affirm their own jurisdiction; & that it was not for you nor any other man to dispute the Jurisdiction of the highest Authority of *England*, from which there is no appeal, and touching which there must be no dispute; yet you did deport your self in that manner, that you gave no obedience, nor did acknowledge any Authority either in them or the Supream Court of Parliament that constituted this high Court of Justice. Sir, the Court gives you to understand that they are very sensible of these demurres, and that being thus authorised by the High Court of *England*, they ought not to be trifled withall, especially, seeing if they please, they may take advantage of these delayes, and according to the rules of Justice, proceed and pronounce Judgement against you: Nevertheless they are so favourable as

to

to give direction to me, and therefore on their behalfe I do require you to make a poſitive anſwer to this charge, that hath been read againſt you. Juſtice knows no reſpect of perſons. You are to give your poſitive and finall Anſwer in plain Engliſh, whether guilty or not guilty, of the Treaſon laid to your charge.

The King having meditated a little did anſwer in theſe words. *When I was here yeſterday, I deſired to ſpeak for the Liberties of the people of* England, *I deſire yet to know, whether without interruption, I may ſpeak freely or not.*

Preſident. Sir, on the like Queſtion you had yeſterday the reſolution of this Court; you were told that having a charge of ſo high a nature againſt you, your work was to acknowledge the Juriſdiction of the Court, and to anſwer the charge; after you have done that, you ſhall be heard at large to make what defence you can for your ſelf; but Sir, the Court commands me to make known unto you that you are not permited to run into any other diſcourſes, untill ſuch time

that you have returned a positive Answer to the matter that is charged upon you.

King. I *value not the charge a rush:* It *is the Liberty of the people of* England *that I stand for. For me who am your* King, *and should be an example to all the Courts in* England *to uphold Justice, and maintain the old Laws; for me I say to acknowledge a new Court, that I never heard of before, is a thing that I knowe not how to do. You did speak very well on the first day I came hither, concerning the obligations that I have laid upon me by God, for the maintenance of the Liberties of my people. I do acknowledge that I do owe the same obligations to God and my people, to defend as much as in me lies the ancient Laws of the Kingdome: therefore untill I be satisfied that it is not against the fundamental Laws of the Kingdome, I can put in no particulars to the Charge. If you will give me time, I will shew you my Reasons wherefore I cannot do it; and* Here being interrupted, *he said. By your favour you ought not to interrupt me. How I came here I do not know. There is no law to make your King your prisoner, I was in a*

Treaty

Treaty upon the publick faith of the Kingdome, that was the known ------two Houſes of Parliament, that was the Repreſentative of the Kingdome; and when I had almoſt made an end of the Treatie; I was hurried away, and brought thither; and therefore I would----

Preſident. Sir, you muſt know the pleaſure of the Court.

King, *By your favour Sir,---*

Preſident Nay Sir, by your favour you may not be permitted to run into theſe diſcourſes, you appear here as a Delinquent, you have not acknowledged the Authority of the Court, the Coutt once more doth command you to give your poſitive Anſwer?

M*Broughton* Do your Duty.

King *Duty Sir.*

M. Broughton *reads*, Charls Stuart, *King of* England, *you are accuſed in the behalfe of the Commons of* England *of divers high Crimes and Treaſons, which Charge hath been read unto you; The Court now requires you to give your poſitive and finall anſwer either by way of confeſſion or by deniall of the Charge.*

King. *Sir, I ſay again unto you, If*

thereby

thereby I may give ſatisfaction to the people of England *of the uprightnes of my proceedings, not by way of anſwer, but to ſatisfie them that I have done nothing againſt that truſt, that hath been committed to me: I would do it; but to acknowledge a new Court, againſt their priviledges, to alter the Fundamentall Laws of the Kingdome, you muſt excuſe me, if I ſhall refuſe to do it.*

Preſident. Sir, This is the third time, that you have publiquely diſowned this Court, and put an affront upon it. How far you have preſerved the priviledges of the People, your actions have ſpoke: And truly Sir, If mens intentions can be known by their actions, you have written your intentions in bloody Characters throughout the whole Kingdome: But Sir, you are to underſtand the pleaſure of the Court —— Clerk Record the default ——. And Gentlemen, you that are a guard to the priſoner, take him back again.

King. I *will onely adde this one word, If it were onely my own particular, I would*

not

not ſay any more, nor interrupt you at all.

Preſident. Sir, you have heard the pleaſure of the Court, and notwithſtanding you will not underſtand it, you are to finde that you are before a Court of Juſtice

The King going forth, Proclamation was made, that all perſons, who then appeared; and had further to doe with the Court, might depart into the Painted Chamber, to which place the Court adjourned, being reſolved to meet again in *Weſtminſter-hall* by ten of the Clock the next morning.

Wedneſday *January* 24.

The Court being this day imployed upon Examinations of witneſſes, and other things, in order to their next proceedings, did appoint one of their Uſhers to give notice to the people there aſſembled to appear on further ſummons.

The

The laſt proceedings againſt the King, wherein they pronounc'd Sentence upon him, on Saturday Fanuary 27. 1648.

Silence being commanded by the Crier, the Court was called, and Serjeant *Bradſhaw* the Lord Preſident, was that day in a ſcarlet Gown. There were preſent that day, ſixty and eight Members of the Court.

The King turning to the Lord Preſident ſaid; I ſhall deſire to be heard ſome few words, and I ſhall give no occaſion of interruption.

Preſident. You may anſwer in due time, heare the Court firſt.

King. *If it pleaſe you Sir, I deſire to be heard; and I ſhall not give any occaſion of interruption, and it is only in a word. A ſudden*

ſudden Judgement ---------.

Preſident. Sir you ſhall be heard (as I have told you) in due time, but you muſt hear the Court firſt.

King. *Sir, What I am to ſpeake will be in order, as I conceive, to what I believe the Court will ſay, and therefore Sir, I deſire to be heard, A haſty judgement is not ſo ſoon recalled.*

Preſident. Sir, you ſhall be heard before judgement be given, and in the mean time, you ought to forbear.

King. *Well Sir I ſhall be heard before the judgement be given.*

Preſident. Gentlemen, it is well known to all or the greateſt part of you here preſent, that the priſoner at the Bar hath been ſeveral times convented, and brought before this Court, to make anſwer to a charge of Treaſon, and other high Crimes, exhibited againſt him in the Name of the people of *England*, to which charge being oftentimes commanded to anſwer; he hath been ſo far from ſubmiting to the Court, as he hath undertooke to object againſt, & diſpute

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the Authority of this Court, & of the High Court of Parliament, who constituted this Court to try and judge him; but being over-ruled in that, and commanded to make answer; he was still pleased to persevere in his contumacie and refused to submit to answer; whereupon the Court, that they may not be wanting to themselves, and to the trust reposed in them; nor that any mans wilfulness shall prevent the course of Justice; have considered of the contempt, and of that consequence which in *Law* doth arise on that contempt. They have likewise considered of the notoriousness of the Fact charged upon the prisoner, and upon the whole matter are resolved, and have agreed upon a *Sentence* to be now pronounced against him, but in regard he hath desired to be heard before *Sentence* be read and pronounced, the *Court* is resolved to heare him: yet *Sir*, thus much I must tell you before hand, of which also you have been minded at the other *Courts*, that if what you are to propose shall tend to dis-

pute

pute the Juriſdiction of the Court, you are not to be heard therein: you have offerd it formerly, and you have indeed ſtruck at the root, which is the power and *Supream* Authority of the Commons of *England*, of which this Court will admit no debate; and indeed it would be an unreaſonable thing in them ſo to do, being a Court which doth act upon that Authority which they have received from them, they will not preſume to judge upon their *Superiours*, from whom there is no appeal. But Sir, If you have any thing to ſay in defence of your ſelfe, concerning the matter with which you are charged; the Court hath given me command to let you know, they will hear you.

King. *Since I perceive, you will not hear any thing of Debate concerning that which I confeſs I thought moſt material for the peace of the Kingdom, and the Liberty of the Subject; I ſhall wave it, and ſpeake nothing of it, only I muſt tell you, that theſe many daies all things have been taken from me, but that I call more dear unto me than my life, which is my conſcience and my Honour,*

and

and if I had reſpect to my life more than to the peace of the Kingdom, and the Liberty of the Subject; I ſhould certainly have made a particular defence for my ſelf, for by that at leaſt I might have deferred an ugly ſentence which I expect to paſs upon me. Therefore undoubtedly, Sir, as a man that hath ſome underſtanding, ſome knoweledge of the world if that my true zeal to my Countrey, had not over-born the care of my own preſervation, I ſhould have gone another way to work than now I have done. Now Sir, I conceive that a haſty ſentence once paſſed may ſooner be repented then revocked; and truly the ſame fervent deſire I have for the peace of the Kingdom, & the Liberty of the Subject, more than my own particulars, doth make me now at laſt move that, having ſomething to ſay concerning both, I may be heard before my Sentence be pronounced, before the Lords and Commons in the Painted Chamber. This delay cannot be prejudicial to you whatſoever I ſhall utter. If I ſpeake not reaſon, thoſe that heare me muſt be my Judges, but if it be Reaſon, and really for the welfare of the Kingdome, and the Libertie of the ſubject; I am ſure of it, it will be well worth the hearing. Therefore

I

I conjure you as you love that which you pretend (I hope it is real) the Libertie of the Subject, and the peace of the Kingdom, that you will grant me the hearing before sentence be past. I onely desire this, that you will take this into your consideration. It may be you have not heard of it before hand, If you thinke well of it; I will retire, and you may thinke of it; but if I cannot get this Libertie, I do here protest, that so fair shews of Libertie and peace are but pure shews and no otherwise, if in this you will not hear your King?

President. Sir, you have now spoken.

King. *Yes, Sir.*

President. And this which you have spoken, is but a further declining of the Jurisdiction of this Court, which is the thing wherein you were limited before.

King. *Pray excuse me, Sir, for my interruption, because you do mistake me. It is not a declining of it, you do judge me before you heare me speake; I say I will not, I do not decline it; although I cannot acknowledge the Jurisdiction of it in this, give me leave to say, that though*

I would not, though I did not acknowledge it in this; yet I proteſt, this is not to decline it, ſince I ſay, If that which I ſhall propound be not for the peace of the Kingdome, and the Liberty of the ſubject, then the ſhame is mine: Now I deſire that you will take this into your conſideration; if you will, I will withdraw.

Preſident. Sir, This is not altogether new, that you have offered unto us, I ſay, it is not altogether new unto us, although it be the firſt time that in perſon you have offered it to the Court. Sir, you ſay you do not decline the Juriſdiction of the Court.

King. *Not in this that I have ſaid.*

Preſident. I underſtand you well enough Sir, Nevertheleſs that which you have propounded ſeems to be contrary to that which you have ſaid, for the Court are ready to proceed to ſentence: It is not (as you ſay) that they will not hear their King: For they have been ready to hear you, they have patiently waited your pleaſure for three Court daies together, to hear what you would anſwer to the peoples charge againſt you, to which

which you have not vouchſafed to give any anſwer at all. Sir, this doth tend to a further delay, and truly Sir, *S*uch delays as theſe, neither may the Kingdom nor Juſtice admit: You have had the advantage of three ſeveral dayes to have offered in this kind, what you were pleaſed to have propounded to the *L*ords and Commons. This Court is founded upon the Authority of the Commons of *England*, in whom reſteth the Supream Juriſdiction: That which you now tender to the Court, is to be tried by another Juriſdiction, a co-ordinate Juriſdiction, I know very well, how you have expreſſed your ſelf, and that notwithſtanding, what you would propound to the *L*ords and Commons, yet nevertheleſs, you would proceed on here; I did hear you ſay ſo, but *S*ir, That which you would offer there, whatſoever it be, muſt needs be in delay of Juſtice here, ſo as if this Court be reſolved and prepared for the ſentence, they are bound in Juſtice not to grant that which you ſo much deſire; but, *S*ir,

according to your desire, and because you shall know the full pleasure of the Court upon that, which you have moved, the Court shall withdraw for a time.

King *Shall I withdraw?*

President. Sir, you shall know the the pleasure of the Court presently.

The Court withdraws for half an hour into the Court of Wards, Serjeant at Arms, the Court gives you command that the prisoner withdraw, and that about half an hour hence the prisoner be returned again.

The time being expired, the Court returned, and the Lord President *commanded the Serjeant at Arms to send for his prisoner.*

The King being come attended with his Guard, The *Lord President* said unto him, *Sir*, you were pleased to make a motion here to the Court, concerning the desire you had to propound something to the *Lords* and Commons in the Painted Chamber for the peace of the Kingdome. Sir, you did in effect receive an Answer before the Court adjourned.

Truely

Truely Sir, their adiournnent and withdrawing was *pro formâ tantum*, for it did not ſeem to them, that there was any difficulty in the thing; they have conſidered of what you moved, and have conſidered of their own Authority, which is grounded, as it hath been often ſaid, upon the *Supream* Authority of the *Commons* of *England*, Aſſembled in Parliament. The Court doth act according to their *Commiſſion*. Sir, I have received an expreſs Order from the *Court*, to acquaint you, that they have been too much delayed by you already, and that this which you have now offered, hath occaſioned ſome little further delay; they are Judges appointed by the higheſt Judges, and Judges are no more to delay than they are to deny Juſtice; they are good words in the old *Charter* of *England*, *Nulli negabimus*, *nulli vendemus*, *nulli deferremus juſtitiam*; There muſt be no delay, but Sir, the Truth is, and ſo every man here obſerves it, that you have much delayed them by your contempt and default; for

which long ſince they might have proceeded to judgement againſt you; therefore notwithſtanding, what you have offered, they are reſolved to proceed to puniſhment and to judgement; and this is their unanimous reſolution.

King. *Sir, I ſee it is in vain for me to diſpute, I am no Sceptick to doubt, or to deny the power that you have: I do know that you have power enough. Sir, I confeſs, I do believe it would have been advantagious to the peace of the Kingdom, if you would have been pleaſed to take the pains to ſhew the lawfulneſs of your power. As for this delay, which I have deſired, I do confeſſe it is a delay, but it is a delay that is important for the peace of the Kingdom: It is not my perſon that I look on alone; It is the welfare of the Kingdom, the peace of the Kingdome. It is an old ſaying, that we ſhould think on long, but perform great matters ſuddenly. Therefore, Sir, I do ſay again, I do put at your doors, all the inconveniences of a haſty ſentence. I have been here now a full week, this day eight dayes, was the day in which I made in this place, my firſt appearance; The ſhort reſpite but*

of

of a day, or two longer, may give peace unto the Nation; whereas an haſty judgement may bring ſuch a perpetual trouble and inconvenience upon it, that is, the Child unborn may repent it. And therefore once more out of the duty I owe to God, and to my Country, I do deſire that I may be heard by the Lords and Commons in the painted Chamber, or any other place that you will appoint me.

Preſident. Sir, you have been already anſwered to what you have moved, it being the ſame motion which you made before, for which you have had the reſolution and the judgement of the Court in it; and the Court would now be ſatisfied from you, whether you have any more to ſay for your ſelfe then you have yet ſaid, before they proceed to ſentence.

King. *I ſay this, Sir, that if you will but hear me, and give me this delay, I doubt not, but I ſhall give ſome ſatisfaction to all that are preſent, and to my people that are abſent; and therefore I require you, as you will anſwer it at the dreadfull day of Judgement, that you will once again take it into your conſideration.*

Preſident

President. Sir, I have received instructions from the Court.

King. *Well Sir,*

President. If this must be reinforced, or any thing of this nature, your answer must be the same, as it was before, and they will proceed to sentence, if you have no more to say?

King. *Sir, I have nothing more to say, onely I desire that this may be entred what I have said.*

President. The Court Sir, then hath something else to say to you, which although I know will be very unwelcom; yet notwithstanding, they are resolved to discharge their duty.

Sir, you have spoken very well of a precious thing, that you call a peace; and it were much to be wished, that God had put it into your heart, that you had as effectually endeavoured, and studied the peace of the Kingdome, as in words you seem to pretend; but as the other day, it was represented to you, that actions must expound intentions: Your actions have been clean contrary, and truly, Sir, it doth appear very plainly to the

the Court, that you have gone upon very erroneous principles. This Kingdom hath felt it to their ſmart, and it will be no comfort to you, to think of it; for *Sir*, you have been heard to let fall ſuch language, as if you had not been ſubject to the *Law*, or that the *Law* had not been your *Superiour*. The Court is very ſenſible of it, I hope, ſo are all the underſtanding people of *England*, That the *Law* is your *Superiour*: you ought to have ruled according to the law, you ought to have done ſo, and your pretence hath been, that you have done ſo: But *Sir*, the queſtion is who ſhall be the expoſitors of the Law; whether you and your party out of the Courts of Juſtice ſhall take upon you to expound the Law? Or whether the Courts of Juſtice, ſhall be the expounders themſelves? Nay, this *Sovereign* and high Court of Juſtice, the Parliament of *England*, who may well be obliged to be the higheſt expounders of the Law, ſince they are the *Sole* makers of it: *Sir*, for you to ſet your ſelfe with your ſingle

ſingle judgement, or for thoſe who adhere unto you, to ſet themſelves againſt the higheſt Court of Juſtice, there is no Law for it. Sir, as the Law is your ſuperior, ſo truly, there is ſomething that is Superiour to the Law, which is the Parent, or Author of the Law, and that is the people of *England*: For as they are thoſe who at firſt (as other Countries have done) did chuſe unto themſelves this form of Government, that Juſtice might be adminiſtred and the peace preſerved: ſo they gave Laws unto their Governors, according to which they were to govern; and if thoſe Laws ſhould have proved inconvenient, or prejudicial to the publick, they had power in them reſerved to themſelves to alter, as they ſhould finde cauſe.

It is very true, what ſome of your ſide have alleadged; *Rex non habet parem in regno* This Court will affirm the ſame in ſome ſenſe, that whileſt King, you have not your Peer; for you are *major ſingulis*, but they will aver again, that you are *minor univerſis*

ſis; and the ſame Author tels you, that *in exhibitione juris*, you have no power, but they are *quaſi minimus*.

This we know to be Law, *Rex habet ſuperiorem Deum & legem, etiam & Curiam*, and ſo ſayes the ſame Author; and he makes bold to proceed further *Debent ei frænum ponere*, they ought to bridle him. We know very well the ſtories of old: we cannot be ignorant of thoſe Wars that were called the Barons Wars, when the Noblity of the Land did ſtand out for the Liberty and the property of the Subject, and would not ſuffer the Kings that did invade their Liberties to play the Tryants, but did call them to an account for it, and did *frænum ponere* But Sir, If the Nobility of the Land do forbear to do their duty now, and are not ſo mindfull of their own Honour and the Kingdomes good, as the Barons of *England* of old have been; certainly, the Commons of *England* will not be unmindefull of what is requiſite for their preſervation and their ſafety. *Juſtitiæ fruendi cauſa Reges conſtituti ſunt.* By this we learn

learn, that the end of having Kings, or Governours, is for their enjoying of Justice, that is the end. Now Sir, If the King will go contrary to that end, or if any Governour will go contrary to the end of his government, he must understand, that he is but an Officer in trust, and that he ought to discharge that trust, and order is to be taken for the animadversion and punishment of such an offending Governour.

Sir, This is not a Law of yesterday (since the time of the division betwixt you and the Parliament) but it is a Law of old; And we know very well both the Authors and the Authorities that acquaint us what the Law was in that point, on the election of Kings, when they took their Oath to be true unto the people; and if they did not observe it, there were those remedies instituted which are called Parliaments. The Parliaments were they that were to adjudge (the very words of the Authors) the plainness and wrongs done by the King and Queen, or by their Children; such wrongs e-

eſpecially, when the people could have no where elſe a remedy. *Sir*, this is the *Caſe* of the people of *England*, they could not have their remedy elſe where but in Parliament.

Sir, Parliaments were inſtituted for that intent, it was their main end, that the grievances of the people might be redreſſed, and truly, if the *Kings* of *England* had been rightly mindefull of themſelves, they were never more in Majeſtie or *State*, than in the time of the Parliament: but how forgetfull ſome have been, Hiſtories have informed us; and we our ſelves have a miſerable, a lamentable, and a ſad experence of it.

Sir, by the old Laws of *England* (I ſpeake theſe things the rather to you, becauſe you were pleaſed to affirme the other day, that you had as much knowledge in the Law as moſt Gentlemen of *England*. It is very well *Sir*, and truly *Sir*, it is very fit for the Gentlemen of *England* to underſtand the Laws under which they muſt live, and by which they muſt be governed; And then Sir, the Scripture ſayes, they that know their Ma-

Maſters will and do it not; you know what follows, the Law is your Maſter, the acts of Parliament)the Parliaments were anciently to be kept twice in the year, as we find in our old Author, that the Subject upon any occaſion might have a remedie and a redreſs for his grievance. Afterwards by ſeverall Acts of Parliament in the dayes of your predeceſſor *Edward* the third; they were to be but once a year. What the Intermiſſion of Parliaments in your times hath produced, is very well known, and the ſad conſequences of it; as alſo what in the interim inſtead of Parliaments, there hath been by you, by a high and arbitrary hand introduced upon the people. But when God by his Providence had ſo far brought it about, that you could no longer decline the calling of a *Parliament*, a *Parliament* was called; where it may appear, what your ends were againſt your ancient and Native Kingdom of *Scotl.* but this Parliament of *Engl.* not ſerving your turn againſt them, you were pleaſed to diſſolve it

it. Not long after, another great neceſſitie occaſioned the calling of this Parliament, and what your deſignes and indeavours all along have been for the cruſhing and confounding of it, hath been moſt notorious to the whole Kingdom. And truly *Sir*, in that you did ſtrike at all, It had been a ſure way to have brought about that which this *Charge* doth lay upon you; your intention to ſubvert the fundemental Laws of the Land, for the great Bulwarks of the peoples Liberty, is the *Parliament* of *England*, and to ſubvert and root up that, which your aim hath been to do, would certainly at one blow, have confounded the Liberties and the properties of *England*.

Truly Sir, It makes me call to minde (I cannot forbeare to expreſs it) for Sir, we muſt deal plainly with you according to the merits of your Cauſe, for ſo is our commiſſion, It makes me, I ſay, to call to minde, what I have read of a great *Romane* Emperor, a great *Roman* tyrant, may I call him, *Caligula* by name, who wiſhed that

that the people of *Rome* had but one Neck, that at one blow he might cut it off: Your proceedings have been ſomething like to this, the people of *England* have been & are no where elſe to be repreſented but in Parliament; and could you have but confounded that, you had at one blow cut off the neck of *England* But God hath reſerved better things for us, and hath been pleaſed to breake your Forces and to overthrow your deſignes, and to bring your perſon in to cuſtody, that you might be anſwerable unto Juſtice.

Sir, we know very well that it is a queſtion which hath been much preſſed by your ſide, *By what Preſidents we ſhall proceed*, Truly Sir, for Preſidents, I ſhall not at this preſent make any long diſcourſe on that ſubiect; howſoever, I ſhall acquaint them, that it is no new thing to cite Preſidents almoſt out of all Nations, where the people (when power hath been in their hands) have not ſticked to call their Kings to an account, and where a change

of

of Government hath enſued upon the occaſion of the Tyranny and miſgovernment of thoſe that have been placed over the people. I will not waſte time to mention *France*, or *Spain*, or the Empire of *Germany*, or any other Countrey; Volumnes may be written of it: But truey Sir, that Preſident of the Kingdom of *Arragon* hath by ſome of us been thought upon. The Juſtice of *Arragon*, is as a man *tanquam in medio poſitus*, it is placed between the people of that Countrey and the King of *Spain*; ſo that if wrong be done by the King of *Arragon*, the Juſtice of *Arragon* hath power to reform that wrong, and he is acknowledged the Kings Superiour; and bring the grand priſoner of the Priviledges, and Liberties of the people; he hath proſecuted againſt the Kings for their miſgovernment.

Sir, What the Tribunes were heretofore to *Rome*, and what the *Ephori* were to the State of *Lacedemon*, we ſufficiently know, they

were as the Parliament of *England* to the *Engliſh* State: and though *Rome* ſeemed to have loſt her Liberty when once the Emperours were conſtituted; yet you ſhall find ſome exemplary Acts of Juſtice even done by the Senate of *Rome*, on the great Tyrant of his time, *Nero*, who was by them condemned and adjudged unto death. But why Sir, ſhould I make mention of theſe Forreign Hiſtories and Examples unto you. If we ſhall look but over the *Tweed*, we ſhall finde Examples enough in your Native Kingdom of *Scotland*. If we look on your firſt King *Forguſius*, he was an elective King, he died and left two Sons, both in their minority: The elder brother afterwards giving ſmall hopes to the people, that he would govern them well; ſo becauſe he endeavoured to have ſupplanted his Uncle, who was choſen by the people to govern them in his minority; he was rejected by the people for it, and the younger Brother was choſen, *&c.*

Sir,

Sir, I will not take upon me to expreſs what your Hiſtories do at large declare; you know very well that you are the hundred and nineth King of *Scotland*; to mention all the Kings, which the people of that Kingdome, according to their power and Priviledge, have made bold to deal withall, either to baniſh, impriſon, or put to death, would be too long a ſtory for this time and place. *Reges* (ſay your own Authors) we created Kings, at firſt, *Leges*, *&c.* we impoſed Laws upon them, and as they were choſen by the ſuffrages of the people at the firſt, ſo upon the ſame occaſion, by the ſame ſuffrages they may be taken down again; and of this, I may be bold to ſay, that no Kingdom in the World, hath yielded a more plentifull experience, than your Native Kingdom of *Scotland*, on the depoſition and the puniſhment of their tranſgreſſing Kings.

I need not go far for an Example, your Grand-mother was

ſet aſide, and your Father an Infant Crown'd. This State hath done the like in *England*. The Parliament and people of *England*, have made bold to call their King to an account therein, frequent Examples of it in the *Saxons* time, the time before the Conqueſt, and ſince the Conqueſt, there have not wanted ſome Preſidents: King *Edward* the ſecond, King *Richard* the ſecond, were ſo dealt with by the Parliament, and were both depoſed, and deprived, and truly Sir, whoſoever ſhall look into their ſtories, ſhall not finde the Articles that are charged upon them to come near to the height, and the Capitalneſſe of the crimes, that are laid to your charge, nothing near.

Sir, you were pleaſed the other day to alledge your deſcent, and I did not contradict it, but take all together, if you go higher than the Conqueſt, you ſhall find that for almoſt a thouſand years theſe things have been, and if you come down

down ſince the Conqueſt, you are the four and twentieth King from *William* called the Conquerour, and you ſhall find one half of them to come meerly from the State, and not meerly upon the point of Deſcent. This were eaſie to be inſtanced. The time muſt not be loſt that way. I ſhall only repreſent what a grave and learned Judge ſaid in his time, who was well known unto you, the words are ſince printed for poſterity: That although there were ſuch a thing as a Deſcent many times, yet the Kings of *England* ever held the greateſt aſſurance of their Titles, when it was declared by Parliament. And Sir, your Oath, and the manner of your Coronation, doth plainly ſhew, that the Kings of *England*, although it's true by the Law, the next perſon in bloud is deſigned, yet if there were a juſt cauſe to refuſe him, the people of *England* might do it. For there is a Contract and a bargain made betwixt the King and

his people, and your Oath is taken, and certainly *Sir*, the Bond is reciprocall, for as you are Leige Lord, ſo are they Leige *Subjects*, and we know very well that *Legantis eſt duplex*, the one is a Bond of perfection, that is due from the *Soveraign*, the other is a *Bond* of *Subjection* which is due from the *Subject*, for if this Bond be once broken, farewell Soveraignty, *objectio trahit*, &c.

Theſe things may not be denyed, for I ſpeak it the rather (and I pray God it may work upon your heart) that you may be ſenſible of your miſcarriages, for whether you have been as you ought to be, a Protector of *England*, or a deſtroyer of *England*, let all *England* judge, or all the world that hath beheld it; and though *Sir*, you have it by inheritance, in the way that is ſpoken of, yet it cannot be denyed, but your Office is an Office of Truſt, and indeed an Office of the higheſt Truſt that can be lodged in any ſingle perſon. For as you were the grand Adminiſtra-

tor

tor of Juſtice, and others were but as your Delegates, to ſee it executed through your Dominions. If your great Office were to do Juſtice, and preſerve your people from wrong, if inſtead of executing Juſtice, you will be the grand and publick diſturber of the peace, ſurely this is contrary to your Office and your Truſt. Now Sir, if it be an Office of Inheritance (as you ſpeak of your Title by deſcent) let all men underſtand, that great Offices are ſeizable, and forfeitable; as if you had it but for a year, or for your life. It will therefore much concern you to take into your ſerious conſideration, your great miſtarriages in this nature.

Truly Sir, I ſhall not in this place undertake to give you the particulars of the many miſcarriages of your Reign, whatſoever they have been, they are notoriouſly known. It had been happy for the Kingdome, and for your ſelf alſo, if they had not been ſo

much known, and ſo much felt, as they are every where complained on, and reported.

Sir, that we are now upon by the command of the higheſt Court, hath been and is to bring you to your Triall, and to judge you for theſe great offences of yours: Sir, the Charge hath called you Tyrant, a Traytor, a Murtherer, and a publike Enemy to the Commonwealth. Sir, it had been well, if theſe terms might rightly and juſtly have been omitted; nay, if any one of them all.

King, *Ha!*

Preſident, Truly, we have been told, *Rex eſt, qui bene regit, Tyrannus qui populum opprimit*, and if that be the definition of a Tyrant, then ſee if you come ſhort of it in your Actions, and whether not the higheſt Tyrant by that way of arbitrary Government, which you ſought to introduce, and were putting upon the people. Examine with your ſelf, if that were not as high an act of Tyranny, as any of your

your predeceſſours were guilty of, yea, many degrees beyond it.

Sir, the Term Traytor cannot be ſpared, we ſhall eaſily conclude that it doth enforce and denote a breach of Truſt, and it muſt be ſuppoſed to be done by a ſuperior, and therefore as the people of *England* might have incurred that term, if they had been truly guilty of it, as to the definition of the Law; ſo on the other ſide, when you did break your Truſt to the Kingdom, you did break your Truſt to your ſuperior; For the Kingdom is that for which you were truſted; And therefore when you are called to an account for this breach of truſt, you are called to account by your ſuperior. *Minimus Majorem in judicium vocat*: And Sir, the people of *England* cannot be ſo wanting to themſelves, (whom God hath dealt miraculouſly and gloriouſly for) they having both power and their great enemy in their hand, but they muſt proceed to Juſtice to themſelves and to you; For Sir, the

the Court could heartily desire that you would lay your hand upon your heart, and consider, what you have done amiss, and that you would endeavour to make your peace with God. Truly Sir, These are two high Crimes, Tyranny and Treason. There is a third, if those had not been, and that is Murder, which is laid to your charge also. All the bloody murders that have been committed since the Division twixt you and your people, must be laid to your charge. Sir, It is a hainous and a crying sin, and truly Sir, If any man will ask us what punishment is due unto a murtherer, let Gods Law, let mans Law speak. I will presume you are so well read in the holy Scripture, as that you know God himself hath said concerning the shedding of mans blood, *Gen.* 9. and *Numb.* 35. will tell you what the punishment is, and this Court in the behalf of the Kingdome are sensible of that innocent blood, that hath been shed, and the Land indeed stands

still

ſtill defiled with that blood, and as the Text hath it *It can no way be cleanſed, but by the ſhedding of the blood of him who ſhed that blood.* Sir, We know no diſpenſation from this blood in the Commandment, *Thou ſhalt do no Murther*, we do not know but that it extends to Kings as well as to the meaneſt peaſants, the meaneſt of the people, the Command is univerſall. Sir, Gods Law forbids it, mans Law forbids it; nor do we know that there is any manner of exception, not even in mans Laws, for the puniſhment of Murther in you. Tis true, that in the Caſe of Kings, every private hand is not to put forth its ſelf to this work, for their reformation or puniſhment; but the people repreſented having power in their hands (were there but one willfull Act of murder by you committed) have power to convent you, and to puniſh you for it.

The weight, Sir, then lying upon you in all theſe reſpects, that have been

been ſpoken, for your Tyranny, Treaſon, Breach of truſt, and the murders that have been committed, ſurely it would drive you into a ſad conſideration concerning your eternall eſtate: I know it cannot be acceptable to you, to heare any ſuch things as theſe mentioned from this Court, for ſo do we call our ſelves and juſtifie our ſelves to be a Court, and a High Court of Juſtice, authorized by the higheſt and ſolemneſt Court of the Kingdome, as hath been often already ſaid. And although you have indeavoured, what lay in you to diſcourt us; yet we do take knowledge of our ſelves to be ſuch a Court, as can adminiſter juſtice to you, as wee are bound in duty to it.

Sir, all I ſhall ſay, before the reading of the Sentence, is but this. The Court doth heartily deſire, that you will ſeriouſly conſider of thoſe Evills, that you ſtand guilty of. You ſaid well the other day, you wiſhed us to have God before our eyes. Truly Sir, I hope

hope all of us have ſo, that God whom we acknowledge to be King of Kings and Lord of Lords, that God with whom there is no reſpect of perſons; that God who is the avenger of Innocent blood; that God have we before our eyes, that God who beſtowes a Curſe upon them, who is in the caſe of guilty malefactors that deſerve death, do withhold their hands from ſhedding of blood: Sir, that God we have before our eyes, and were it not that the Conſcience of our duty hath called us into this place, and this imployment, you ſhould have had no appearance of a Court here. But Sir, we muſt preferre our reſpect unto God and to the Kingdom, above any reſpects whatſoever; and although at this preſent, many of us, if not all of us, are ſeverely threatned by ſome of your party, what they intend to do; yet wee do here declare, that we ſhall not decline or forbear the doing of our duty in the adminiſtration of Juſtice, even to your

your ſelfe; and that according to the merit of your offence; although God ſhould permit thoſe men to effect all their bloody deſigns in in hand againſt us. Sir, we will ſay, and will declare it as thoſe Children in the fiery furnace, who refuſed to worſhip the Golden Image, that *Nabuchadonazer* had ſet up, That their God was able to deliver them from the danger they were neer unto; but if he did not deliver them, yet they would not fall down and worſhip the golden Image. We ſhall make this application of it. That though we ſhould not be delivered from thoſe bloody hands & hearts, who conſpire the overthrow of the Kingdom in generall, and of our ſelves in particular, for being actors in this great work of Juſtice; though I ſay, we ſhould periſh in the work; yet by the grace & in the ſtrength of God, we are reſolved to go on with it. And thoſe are the intire reſolutions of us all.

Sir, I ſay, for your ſelfe that we

do

do heartily wiſh and deſire that God would be pleaſed to give you a ſenſe of your ſins, that you may ſee wherein you have done amiſſe, and that you may cry unto him, that God would deliver you from bloody-guiltineſſe. A good King, *David* by Name, was once guilty of that particular guilt; he was otherwiſe upright, ſaving in the matter of *Uriah*. Truly Sir, the Hiſtory doth repreſent unto us, that he was a repentant King, and he had died for his ſinne, but that God was pleaſed to be indulgent to him, and to grant him his pardon, *Thou ſhalt not die* (ſaith the prophet) *but the child ſhall die, Thou haſt given cauſe to the Enemies of God to blaſpheme.*

King *I would onely deſire to be heard but one word, before you give ſentence, and it is that (to ſatisfie the world when I am dead) you would but heare me concerning thoſe great Imputations which you have laid unto my charge.*

Preſident. Sir, you muſt now give me leave to proceed, for I am not far

far from your Sentence, and your time is now paſt.

King. *I ſhall deſire you, that you will take theſe few words into your conſideration; For what ſoever ſentence you ſhall pronounce againſt me in reſpect of thoſe heavy imputations, which I finde you have laid to my charge; yet Sir, It is moſt true that* ———

Preſident. Sir, I muſt put you in minde, I muſt Sir, although at this time, eſpecially, I would not willingly interrupt you in any thing you have to ſay, which is proper for us to admit; but Sir, you have not owned us as a Court, and you looke upon us, as a ſort of people huddled together, and we know not what uncivill language we receive from your party.

King. *I know nothing of that.*

Preſident. You diſavow us as a Court, and therefore for you to addreſſe your ſelfe to us, whom you do not acknowledge to be a Court, for us (I ſay) to judge what you ſhall ſpeake is not to be permitted; and the truth is all along from the very

to diſavow and diſown us; The Court needed not to have heard you one word; for unleſs they be acknowledged a Court and ingaged, it is not proper for you to ſpeak.

Sir, We have given you too large an indulgence of time already, and admitted ſo much delay, that we may not admit of any more. If it were proper for us, we ſhould heare you very freely, not decline to hear the moſt that you could ſpeake to the greateſt advantage for your ſelf, whether it were totall, or but in part, excuſing thoſe great and hainous charges which are laid upon you. But I ſhall trouble you no longer, your ſins are of ſo large a demenſion, that if you do but ſeriouſly think of them, they will drive you into a ſad conſideration; and we wiſh that they may improve in you a ſad and ſerious repentance. And it is the deſire of the Court, that you may be ſo penitent for what you have done amiſſe, that God

may at leaſt, have mercy on your better part. As for the other, it is our part and duties to doe that which the law preſcribeth, we are not now here *jus dare*, but *jus dicere*; we cannot be unmindfull of what the word of God tels us, To acquit the guilty, is of an equall abomination, as to condemn the Innocent; we may not acquit the guilty: What ſentence the law pronounceth to a traytor, a tyrant, a murtherer, and a publike enemy to the Country, that ſentence you are now to hear read unto you, and that is the Sentence of the Court.

Hereupon the Lord *Preſident* commanded the Sentence to be read; whereupon M. *King*, who was Cryer of the Court, having commanded ſilence by his *Oyes*, the Clerke read the ſentence, which was drawn up in Parchment, and did run in theſe words.

Whereas the Commons of England *in Parliament had appointed them an High Court of Juſtice for the tryall of* Charls

Charls Stuart *King of* England, *before whom he had been three times convented, and at the firſt time, a Charge of High Treaſon and other Crimes and Miſdemeanors was read in the behalfe of the Kingdome of* England; which Charge followeth in theſe words.

This Charge being read (ſaid the Clerk) *Charls Stuard* was required to give his anſwer, which he refuſed to do, but expreſſed theſe paſſages and many more ſuch as theſe are, in refuſing to anſwer.

The Clerk (having repeated many paſſages, during the time of his triall, in which the King ſhewed an averſeneſſe to acknowledge the Court) did proceed to read the Sentence, which was in theſe words

For all which Treaſons and Crimes, this Court doth adjudge that the ſaid Charls Stuart *as a Tyrant, Traytor, Murtherer, and a publike Enemy, ſhall be put to death by ſevering his Head from his Body.*.

The Sentence being read, the

Lord Preſident ſaid; This Sentence now read and publiſhed is the Act, Sentence, Judgement, and reſolution of the whole Court.

Hereupon, the Court ſtood up, as aſſenting to what the Preſident ſaid.

King. *Will you hear me one word Sir!*

Preſident. Sir, you are not to be heard after the Sentence.

King. *No Sir!*

Preſident. *No* Sir, by your favour *Sir*,----------Guard withdraw your Priſoner.

King. *I may ſpeak after the ſentence* ——*By your favour Sir, I may ſpeak after Sentence ever. The Guard drawing to him, he ſaid unto them; by your favour hold: and turning to the Preſident, he ſaid; the Sentence Sir,—— I ſay Sir I do—but being not permitted to proceed, he ſaid I am not ſuffered to ſpeak, expect what Juſtice other people will have.*

Cryer. All manner of perſons, that have any thing elſe to do, are to depart at this time, and to give their

their attendance in the Painted Chamber, to which place this Court doth forthwith adjourn it ſelf.

Then the Court aroſe, and the Kings guard did bring him to Sir *Robert Cottons* houſe, and he was afterwards conducted to Saint *Jameſes*.

The ſeverall Depoſitions of the pretended Witneſſes, as it is in their Book printed in French.

William Cuthbert *of* Patrington *in* Holdernes *Gentleman*,

HAth *depoſed upon Oath*, *that being at* Hull-*bridge nigh* Beverly, *he diſcovered in* July 1642. *that there were levied about three hundred footmen under the command of* Robert Strickland, *for the Kings guard*; *and that*

that about the ſecond of the ſaid Month, which was Sunday, he ſaw about four or five of the clock in the evening, a Troop of Horſe called the Princes Troop, enter Beverly, *at which time* James Nelthorp *was Mayor of the Town; and that he ſaw the ſame day this Troop march from* Beverly *to* Holdernes, *where he ſaw ammunition diſtributed to them, which were brought for them from about* Humber. *Moreover the ſame, upon depoſition, ſaid, that the ſame Sunday night there arrived at the gate of his houſe, called the Bridge of* Hull *nigh* Berverly, *about three hundred footmen, that ſaid they were the Regiment of Sir* Robert Strickland, *under the command of Lieutenant Col.* Duncomb, *and were called the Kings guard, who forced open his door, and took poſſeſſion of his houſe, and that the ſame night my Lord* Newport *and my Lord* Carnarvan *came to theſe ſouldiers, with divers others, at which time the Deponent was informed that Sir* Thomas Gower *Sheriff of that County, was preſent at this rendezvous and had left order and expreſſe command to ſtop*

all Provisions from those quarters, and that none should be carried to ir J. Hotham Governour of Hull for the Parliament, which Order was put into the hands of the Deponent, being then Constable of that Parish, for the said Lieutenant Colonel Duncombe. The said William Cutbert has deposed in processe, that he was driven out of his house by the soldiers, and was forced to retire to Beverly with his Family: and that afterward, to wit, Thursday next, as much as he can remember, he saw the King come to Beverly, and go into my Lady Gees houses in which he saw him severall times with Prince Charls, and the Duke of York: and that the Militia was raised in Holdernes, in the name and by the command of the King, and he publisked himself every where. He hath farther deposed, that the night following, these soldiers that had seized upon his house, as was said, which was the first act of hostility that was committed in those parts, they plundred also the House of Colonel Ledgeers; and that after this regiment of Colonel Strickland was gone from the Bridge of Hull,

where

where it had quartered ten days, Colonel Wynewell *ſeized upon it alſo with ſeven hundred foot, that lodg'd there.* Item *he depoſed, that the Order which he ſhewed the Court, is the originall of which we have ſpoken. As alſo that my Lord* Lindſey *was made Generall of thoſe Forces, and of thoſe that were then levied, and that he was brought before him upon report that he held intelligence with Sir* J. Hotham *Governour of* Hull, *and that notice being given to the ſaid General, that the Deponent had proviſions of corn to ſend into* Ireland, *he was prohibited to have them tranſported, or carried to any other place without the Kings command ortheſaid Generals.*

John Bennet *in the County of* York, *Glover.*

HAving born arms on the Kings ſide, from the firſt day that he erected his Standard at Nottingham, *ſix years ſince, being examined upon Oath*

Oath, hath deposed, that working at his own Trade at Nottingham, he had seen the King two or three times after his great Standard of War was erected, and at the same time that it was displ'ayd from the highest Tower of the Castle; and also that he heard that the King was present the first day and the first time it was erected: He said farther that he then received his livery, and that Sir William Pennyman gave cloth at that time to the Regiment of which he was, and the said Knight was Colonel of it, and that cloth was also given to the Regiment of my Lord Lindsey, who was also then proclaimed then General of the Army at the head of every Regiment; where the King also caused to be published, that those forces should fight against all those that should follow his party, particularly against the Earl of Essex, Generall of the Parliaments Army, against my Lord Brooks, and divers other Officers of that party; all who were declared Traitors by printed proclamations, which were dispersed at the same time through all Regiments by their Officers. To

which

which he alſo added, that he had often ſeen the King in Nottingham *at the time that his forces quarter'd there, which was about a Moneth, that the Drum was beaten over all the Country to raiſe men for the King, and that many were liſted, partly willing and partly forced for fear of being plundred, as among the reſt was the Deponent, the ſaid Sir* William Penniman *cryng out aloud, that it would be well done to ſet the Town on fire, the Citizens ſhewing themſelves ſo backward to take up arms for their Kings ſervice. He did farther depoſe, that about the Month of* October, 1642. *he ſaw the King on horſeback at* Edge-*hill in* Warwick-*ſhire, looking on his Army in battail, and heard him command all the Colonells and Officers, that paſſed before him to encourage their ſoldiers, exhort and animate them to fight againſt my Lord of* Eſſex, *my Lord* Brooks, *Sir* William Waller, *and Sir* William Belford, *and that after this firſt fight, he ſaw in the field a great number of dead bodies, of which, he ſaw a liſt brought afterward to the King at* Oxford, *which*

they

they said came to the number of 6559. *The Deponent hath also testified that about the Moneth of* November *following, he saw the King at the head of his Army upon* Hownslo-heath *in the County of* Middlesex, *with Prince* Robert *by him, and heard him encourage divers Regiments of those that were levied in* Wales, *which had been at the battail of* Edge-*Hill, saying to them, he hoped they would regain at* Brainford *the honour they lost at* Edge-*Hill.*

William Brayne *Gentleman of* Wixe-hall *in the County of* Salop.

HAth deposed upon Oath, that in August 1642. *he saw the King in* Nottingham *at the time when his Royal Standard was there erected and displaid, and that about that time he marched with the Army in which the King was, from thence to* Darby, *and that being suspected in* September *for a Spy he was examined before*

before Sir Robert Heath, *and divers other Commiſſioners at* Shrewsbury, *where the King was in perſon.*

Henry Hartford of *Stafford* upon *Avon* in *Warwick-ſhire.*

HAs *alſo given in upon Oath, that in the year* 1642. *he ſaw the King at the Caſtle of* Nottingham, *when his great* Standard *was planted and diſplayed upon a Tower of the Caſtle, and moreover that about* November, *he ſaw the King at* Brainford *being a horſe-backe with great number of War-Officers on a* Sunday *morning, immediately after that* Satturday *night, in which great number of the Parliaments people had been killed thereabout.*

Robert

Robert Large, Painter of the Town and County of *Nottingham*.

HAs *depoſed upon Oath, that in the ſummer of* 1642. *he painted, by command of my Lord* Beumant, *the great Standard of War, that was planted upon the high Tower of the Caſtle of* Nottingham, *and that he often ſaw the King thereabout, at the ſame time that his Standard was erected and diſplayed.*

Edward Robert of Biſhops Caſtle, in the County of *Salop*.

BEing *alſo examined upon his Oath, has depoſed that he ſaw the King in* Nottingham *whileſt his great ſtandard was planted and diſplayed upon a Tower of the Caſtle, and that he ſaw the King march at the head of his Army from* Shrewsbury *to* Edge-hill, *being in the Reer-gard upon the Field, where the battle*

battle was fought, and that also he saw him on Sunday *at* Brainford *after the combat of* Saturday-night *precedent.*

John Penninger *of* Hayner *in* Darby-shire.

BEing examined upon Oath, hath testified, that about August 1642. *he saw the great standard of War displayed upon one of the Towers of* Nottingham *Castle, that the same day he also saw the King in* Thurland-house, *belonging to the Earle of* Clare *at* Nottingham, *with Prince* Robert, *Sir* Kelam Digby, *and divers other Lords, and people of other condition, and that the King had then Canons in the Town, that was full of Souldiers.*

Samuel

Samuel Lawſon *Brewer of* **Nottingham.**

HAs depoſed upon Oath, that about Auguſt 1642. *he ſaw the geat ſtandard of War, brought down from the Caſtle of* Nottingham *by divers perſons of quality to the next Hill, a Herald at Arms marching before them, that the ſaid ſtandard was planted upon that hill with great cryes and acclamations, with the ſound of the Trumpet and Drums, that alſo, preſently after, there was publiſhed a Command from the King, who was there in perſon to ſee his ſtandard Erected, adding moreover that the town was full of ſouldiers; And that when the King left the town with the ſouldiers, the Inhabitants were forced to pay a great ſumme of money to his Army, that threatned them plunder, if they refuſed it.*

Thomas

Thomas Whittington, Shoomaker of *Nottingham*, hath depoſed upon Oath.

THat he ſaw the King in the ſaid Town the ſame day, that his great ſtandard of War was raiſed on the Caſtle about the beginning of Auguſt 1642. and that the King tooke his journey from Thurland-houſe towards the ſaid Caſtle, and that he ſaw him ſeverall times in Nottingham, which was full of ſouldiers, who ſaid they were of the Kings army, the great ſtandard being then diſplayed upon the old tower of the Caſtle.

Robert Loads of *Cottam* in *Nottinghamſhire*, affirmed upon Oath.

THat about October 1642. he ſaw the King in the reere-guard of his Army at Kinton field on a Sunday, about which place, he ſaw divers dead bo-

dies on both sides. That moreover he saw the King in his Army in Cornwall *nigh my Lord* Moon's *house, in the year,* 1644.

Samuel Morgan Haberdasher *of* Wellington, *in the County of* Salop, *deposed upon Oath.*

THat *he saw the King on Sunday morning in the field at* Kinton *upon the highest point of* Edgehill, *at the head of his Army about two hours before the battail began, which was after* Michelmas 1642. *And that afterward he saw at the same place a very great number of dead bodies on both sides; and farther that in* 1644. *he saw the King in his army, neere* Cropredy *bridge, put his own men in battaile array.*

James

James Williams Shoomaker of *Roſſe* in *Herefordſhire*, depoſed upon Oath.

THat about October, 1642. *he ſaw the King in* Kinton-*field upon the Hill, having his ſword drawn in his hand, when and where a great battel was fought, and many kill'd on both ſides. Moreover that he ſaw the King at* Brainfor don *a Sunday before mid day in* November *the ſame year, whilſt his army was all in and about the town.*

Arthur Young Chyrurgion and Burgeſs of *London*, being examined upon Oath teſtified.

THat *being in the Battel of* Edge-hill *that was faught between the Army of the King, and that of the Parliament, in* October, 1642. *he ſaw the great Standard brought and diſplayed*

in the Kings Army, which being taken in the fight, it was regained by one Middleton, *whom the King presently made Colonel.*

John Thomas Labourer in *Langellen* in the County of *Denbigh*, deposed upon Oath.

THat *he saw the King at* Brainford *in the County of* Middlesex, *on a Saturday a little after the battle of* Edge-*hill, being followed by a good number of horse and foot, and being himself armed a horseback, and heard him say to his people, passing through the towne, Gentlemen, you lost your honour at* Edge-hill, *I hope you will recover it here, and before the King had ended his speech the two Parties began to skirmish and engaged so far that many were killd on both sides.*

Richard

Richard Blomefield Merchant, Draper and Citizen of *London*, deposed upon Oath.

THat *he was present at the rout of the Earle of* Essex *his Army in* Cornwall *about the end of* August *or at the beginning of* September, 1644 *where he saw the King on horseback at the head of his army, and that he saw divers souldiers of the Parliaments, many plundred and dismantled hard by the Kings person against the conditions and Articles agreed upon.*

I

William Jones Laborour of *Uske* in *Monmouth-shire* affirmed upon Oath.

THat *he saw the King coming from* Wards Harbrough, *and marching at the end of his Army towards* Naseby *where the battle was fought a little after, and that the King being advanced towards the Regiment of Colonel* S. George, *be asked of the Officers and souldiers, if they were not resolved to fight for him, and that upon it, they cryed out with great acclamations, that they were ready to fight. Moreover, the Deponent said, that he saw the King with his forces in* Leicester, *the same day that it was taken by the* Parliament. *As likewise that he saw him in his Army at the siege of* Glocester.

Hum-

Humphrey Brown *of* Witſunday *in* Rutlandſhire.

HAs depoſed *that when* Leiceſter *was taken by the Kings Army, about* June 1645. *the* Fort *of* Newark *being rendred upon Compoſition and condition, that thoſe that went forth ſhould carry their bagage with freedom, without any violence to be offered; as ſoon as the place was rendred, notwithſtanding this capitulation and againſt the Articles, the Kings ſouldiers fell upon them, plundered them, and beat and wounded many of them: And that one of their Officers taxing them with their ill uſage of theſe poore people againſt the law of Arms, the deponent heard the King reply (who was there in perſon with his ſword drawn at the head of his Army) that he would ſee they ſhould uſe them worſe, being his enemies.*

David Evans *Marſhall of* Aburgeny *in* Monmouthſhire, teſtified:

THat about half an houre before Naſeby *fight, which was at Mid-ſummer* June 1645. *he ſaw the King marching himſelf in battaile at the head of his Army, half a mile from the place of the fight.*

Diogenes Edwards *Butcher of* Carſton *in the County of* Salop.

AFfirmed that at the ſame time, he ſaw the King a mile and a half from the Camp, marching in battaile aray, at the head of his Army, about an houre and half before the ſaid battaile was fought, and that the ſame day, he ſaw afterwards many bodies dead upon the place.

Giles

Giles Grice *of* Wellington *in* Shropſhire, *Gentleman.*

DId depoſe, that he ſaw the King at the head of his Army at Cropredie *Bridge, with his ſword drawn in his hand, the ſame day that there was a battail fought againſt Sr.* William Waller's *Army, which was on a* Friday, 1644. *about* July, *as much as he could call to minde. That he ſaw him alſo at the head of his Army the ſame ſummer nigh* Lichfield *at the ſame time that the Earle of* Eſſex *was there with his Army. Alſo that he ſaw the King at the head of his men in the ſecond fight at* Newbery. *And that he ſaw him Arm'd back and breſt, at the head of his Army at* Naſeby. *The ſame did teſtifie, that he ſaw him at the head of his Army, at the taking of* Leiceſter, *at the ſame time that an aſſault was given, and after enter'd the place on horſeback after it was taken, and that he ſaw many men kill'd on both ſides, and many houſes were pillaged in the ſaid Town.*

John

John Vinſon *of* Damorham *in* Wiltſhire *Gentleman, affirmed.*

THat he ſaw the King at the head of his Army, at the firſt Newbery battaile about September 1643. and many people dead on both ſides,

The ſame hath alſo depoſed, that he ſaw the King at the head of his Army, armed Capape with his ſword drawn in his hand in the ſecond fight at Newberry, about Octob. 1644. at what time he ſaw him draw up the Regiment of Horſe, of Colonel Tho. Howard to a Charge, and that he heard him make a ſpeech to that Regiment, ſaying, that they were to make good to him that day, that his Crown was at the point of his Sword, and if he loſt that Battail, he loſt his honour and his Crown for ever, and that after he ſaw great number of dead men killd in that fight on both ſides.

The ſame alſo teſtified, that he ſaw the King in the battail at Naſeby in Northamptonſhire, about June, 1645.

1645. *being armed, with his Head-piece on, his word drawn in his hand, where perceiving his people in flight, he himself made the horse to rally and staid them, at which time he also saw many dead bodies on both sides.*

George Seeley of *London*, Shoomaker, *deposed,*

THat he saw the King at the siege of Glocester, at the head of a Brigade of horse, and that he saw him at the first fight of Newberry, about September, 1643. *being at the head of a Regiment of horse, and that many were killed on both sides in this fight. To which he added, that he also saw the King in the midst of his Army in the second* Newberry *fight about* November, 1644.

John

John Moor of *Cork* in *Ireland*, Gentleman, did depose,

THat *in the Battel at* Newberry *second fight, in the same month, he saw the* King *in the middle of his horse, with his sword drawn, that afterwards he saw many killed on both sides in this fight, and that he saw him enter on horse-back in the head of a Brigade of horse into* Leicester, *the same day that it was taken by his men, about* June, 1645. *he also added, that he saw the* King *in the midst of a Regiment of horse at* Copredibridge *before* Leicester *fight, and saw the fields covered with dead men, killed in that fight, where the* King *was in person, that he saw him also at the head of a Regiment of horse in Naseby fight, about* June 1645. *and that there was also many killed and wounded.*

Thomas

Thomas Grees of *Boyſet* in *Northamptonſhire*, Labourer, did teſtifie,

THat *he ſaw the King at the firſt* Newbury *fight in* Bark-*ſhire*, September, 1643. *and that he there ſaw many dead bodies, having himſelf received orders amongſt others, to ſtop the Parliaments forces till their dead men were taken away; that he alſo ſaw the King marching with his Army towards* Naſeby *field, immediatly before the fight about* June, 1645. *and that his Army being routed, he ſaw him make a retreat with a Brigado of horſe, and that a great number were killed on both ſides in this fight.*

Thomas

Thomas Rolins of *Hanſlop*, in *Buckingham*-ſhire Gentleman, did depoſe,

THat he ſaw the King nigh Foy in Cornwall, about July 1644. at the head of a brigade of horſe, and that he ſaw ſome Parliament-ſouldiers pilledged nigh the Kings perſon, contrary to the Articles agreed upon on both ſides.

Thomas Read of *Maidſtone* in *Kent*, Gentleman,

AFfirmed upon Oath, that preſently after the Parliaments Army had rendred it ſelf in Cornwall upon compoſition, he ſaw the King at the head of a guard of horſe, between Leſtithiel and Foy, about the end of Auguſt, or the beginning of September 1644.

James

James Grosby of *Dublin* in *Ireland*, did depose,

THat *at the first* Newbury *fight about harvest time*, 1643. *he saw the King coming on horseback from* Newbury, *accompanied with abundance of great Lords and Noble men, and going towards the place where his forces were engaged to the Parliaments Army*;

Samuel Burden of *Lyneham* in *Wiltshire*, Gentleman, testified,

THat *he was at* Nottingham, *about* August 1642. *at what time he saw the great Standard displayd upon one of the Towers of the Castle, and that the next day he saw the King, whilst his Standard, as they call it, was displayd, moreover that he saw the King at the head of his Army near* Copredy-bridge

bridge in a ſtubble field, being in purſuit of Sir William Wallers *forces, who was routed about* July *1644. and that he ſaw at that time great numbers of dead men in the field; he teſtified farther, that towards* November *following, he ſaw the King in the laſt* Newberry *fight, galloping up and down from Regiment to Regiment, whilſt his Army was engaged with that of the Parliament, and that he ſaw afterwards great numbers of men killed, fighting on both ſides.*

Michael Potts of *Sharpeton* in *Northumberland*, Vintner, depoſed,

THat *he ſaw the King at the head of of his Army, in a field about a mile and an half diſtant from* Newberry, *upon a plain, the day before the fight, which was about harveſt time, 1642. and that he ſaw the King in the field, nigh a peice of great Canon during the fight, that he alſo ſaw him at the head of his Army in the ſecond* Newberry *fight about*

about Michaelmaſs, 1644. *after which he ſaw great number of men kild on both ſides. Adding moreover, that he did alſo ſee him at the head of his Forces, nigh* Copredy bridge; *and afterwards the ſame year towards harveſt nigh* Leſtithiel *in* Cornwall, *at what time the Earle of* Eſſex *was there with his Army.*

The NAMES of the said Pretended JUDGES who gave Sentence against the Late KING Jan. 27. 1648.

John Bradshaw Lord President
Oliver Cromwell
Henry Ireton
Sir Hardress Waller.
Valentine Walton.
Thomas Harison.
Edward Whaley.
Thomas Pride.
Isaac Ewer.
Lord Grey of Grooby.
William Lord Mounson.
Sir John Danvers.
Sir Thomas Malaverer.
Sir John Bourcher.
Isaac Pennington.
Henry Martin.
William Purifoye.
John Barkstead,
Gilbert Millington.
Thomas Chaloner.
Matthew Tomlinson.
John Blakeston.

Sir.

Sir *William Constable.*
Edmund Ludlow,
John Hutchiſon.
Sir *Michael Leveſey.*
Robert Titchburne.
Owen Roe.
Robert Lilburne.
Adrian Scroop.
Richard Dean.
John Okey.
John Harriſon.
John Hewſon.
William Goffe.
Cornelius Holland.
John Carew.
John Jones.
Thomas Liſter.
Peregrine Pelham.
Thomas Wogan.
Francis Allen.
Daniel Blagrave.
John Moor.
William Say.
Francis Laſcels.
John Chaloner.
Gregory Clement.
Sir *Gregory Norton.*
John Venn.

Thomas Andrews.
Anthony Stapley.
Thomas Horton.
John Liſle.
John Brown.
John Dixwell.
Miles Corbet
Simon Meuyne.
John Alured.
Henry Smith.
Humphrey Edwards
John Frye.
Edmund Harvey.
Thomas Scot.
William Cawley.
John Downes
Thomas Hammond.
Vincent Potter.
Auguſtine Garland.
Charles Fleetwood.
John Temple.
Thomas Wayte.

Counſellours aſſiſtant to this Court, and to draw up the Charge againſt the KING, were
Doctor Dariſlaw.
Mr. Aske.

Mr. *John Cooke*. Solicitor.
Serjeant *Denby*, Serjeant at Armes.
M Broughton. | Clerks to the
M. Phelpes. | Court.
Colonel *Humfrey*, Sword bearer.

Meſſengers, Door-keepers, and Cryers were theſe;
Mr. Walford.
Mr. Radley.
Mr. Paine:
Mr. Powell.
Mr. Hull.
Mr. King.

The SENTENCE *againſt the ſaid* KING *January the* 27th 1648. *which was read by Mr.* Broughton *aforeſaid Clerk.*

WHereas the Commons of *England* in Parliament, have appointed them an

High Court of Justice for the Tryall of *Charles Stuart* King of *England*, before whom he had been Three times Convented, and at the first time a Charge of High Treason and other Crimes and Misdemeanours was read in the behalf of the Kingdome of *England*, &c. as in the Charge which was read throughout.

To which Charge, he the said *Charles Stuart* was required to give his Answer, but he refused so to do; and so expresst severall passages at his Tryall, in refusing to answer.

For all which Treasons and Crims, this Court doth adjudge, that the said *Charles Stuart*, as a Tyrant, Traytor, Murtherer, and Publick enemy, shall be put to death, by severing his head from his body.

This Sentence (*sayes the President*) *now read and published is the act, Sentence, Judgement and Resolution of the whole Court.* To which the Members of the Court stood up and assented to what he said *by holding up their hands.*

The

The King offered to speake, but he was instantly commanded to be taken away and the Court broke up.

The true manner of proceeding to take off the Kings Head according to the Sentence given as aforesaid.

Sir *Hardres Waller* Collonel *Harrison*, Commissary General *Ireton*, Colonel *Dean* and Colonel *Okey*, were appointed to consider of the Time and Place for the Execution of the King, according to his Sentence, given by the (pretended) High Court of Justice.

Painted Chamber, Monday *January* the 29th 1648.

VPon Report made from the Committee for considering of the Time and place of the Executeing of the Judgement against the King, that the said Committee have Resolved, *That the open street before*

White-hal *is a fit place*: And the ſaid Committee conceive it fit, *That the King be there executed the morrow, the King having already notice thereof.*

The Court approved thereof, and ordered a Warrant to be drawn to that purpoſe, which Warrant was accordingly drawn and agreed to, and Ordred to be ingroſſed, which was done and ſigned and ſealed according, as followeth.

At the High Court of Juſtice for the Trying and Judging of King CHARLES the I. of England January 29. 1648.

WHereas *Charles Stuart* King of *England*, is, and ſtandeth Convicted, Attainted and Condemned of High Treaſon, and other Crimes, and Sentence, on Saturday laſt, was pronounced againſt him by this Court, to be put to Death, by ſevering his head from his body, of which Sentence Execution yet remaineth to be done.

These

These are therefore to will an require you, to see the said Sentence Executed in the open street before *Whitehall* upon the morrow, being the 30. day of this instant Moneth of *January*, between the hours of Ten in the morning, and Five in the afternoon of the same day, with full effect, and for so doing, This shall be your sufficient Warrant: and these are to require all Officers and Soldiers and other the good people of this Nation of *England*, to be assistant unto you in this service. Given under our hands and Seals.

To Colonel Francis Hacker, *Colonel* Huncks *and Lieutenant Colonel* Phray, *and to every of them.*

Sealed and Subscribed by,
John Bradshaw President.
Thomas Gray.
Oliver Cromwell.
Edward Whaley.
John Okey.

John

John Danvers.
Mich. Lieveſey.
John Bourcher.
Hen Ireton.
Tho Maleverer.
Jo Blackeſton.
Jo Hutchiſon.
William Goffe.
Tho. Pride.
Henry Smith.
Vincent Potter.
William Conſtable.
Rich. Ingoldsby.
Will. Cawley.
John Barkſtead.
Iſaac Ewer.
Val. Walton.
Peter Temple.
Tho. Harriſon.
John Hewſon.
Per. Pelham.
Richard Dean.
Rob. Tichburn.
Hump Edwards.
Dan. Blagrave.
Owen Roe.
Will. Purifoye.
Adrin Scroop.

James

James Templer.
Aug. Garland.
Edmu. Ludlow.
Hen. Martin.
Jo. Allewred.
Rob. Lilburn.
Will. Say.
Anthony Stapley.
Gregory Norton.
Tho. [illegible]haloner.
Tho. Wogan
Simon Meyne.
Tho Horton.
John Jones.
Jo. Moore.
Herberts Waller.
Gilbert Millington.
Charls Fleetwood.
Jo. Venn.
Greg. Clement.
Jo Downes.
Tho. Waite
Tho. Scot.
John Carew.
Miles Corbet.

Ordered

Ordered, *That the Scaffold on which the King is to be executed, be covered with Black*. The Warrant for executing the King being accordingly delivered to those parties to whom the same was directed Execution was done upon him according to the Tenour thereof about Two a clock in the afternoon, of the said 30. of *January*. 1648.

The Fatall day of the said Execution, being Tuesday, January *the* 30. 1648.

HIS Majesty continued in Prayer all the morning, and receives the Sacrament Just at Ten a Clock before noon, he was conveyed on foot, from St. *James's* Palace to *Witehall*, guarded by a Regiment of Foot Soldiers, part before, part behind, with Colours flying, and Drums beating, his private guard of Patirzans about him, and Dr. *Juxon* Bishop of *London*, next to him on one side, and Colonel *Tomlinson* on the other; being come to *Whitehal*,

hall, he continued in his *Cabinet* Chamber at his divotions, refuſing to dine, onely about 12 a clock he eat a bit of bread, and dranke a glaſſe of *Claret* wine; from thence he was conveyed into the Banqueting houſe, and the great window inlarged, out of which he aſcends the *Scaffold*, the rails being hung round, and the floor covered with black, His Executioners diſguiſed with Viſards, yet was his Majeſty not affrighted: He ſhewed more care of the people living, then of himſelfe dying; for looking round upon the people, whom the thick Guards of Soldiers kept a great diſtance of, and ſeeing he could not be heard by them, omitting (probably) what he purpoſed to have ſpoken to them, therefore turning to the Officers and Actors, by him, he delivered him ſelf in a ſhort (but excellent) *Speech*, which being ended, he meekly went to *Prayers*, and after ſome heavenly diſcourſe between him and the Biſhop, having prepared himſelfe, he lifted

up

up his eyes to heaven, mildely praying to himself; he ſtooped down to the block as to a prayer-deske, and moſt humbly bowed his generous Neck to Go, to be cut off by the Vizarded Executioner, which was ſudainly done at one blow. Thus fell King *Charles*, the I. and thus all *Britain* with him.

His Majesties Reasons, against the pretended Jurisdiction of the High Court of Justice, which he hath intended to have given there on Munday Jan. 26. 1649.

Faithfully transcribed from the original copy of the King.

SInce I have already made my Protestation, not onely against the illegality of this pretended Court, but that no power on earth can justly call me (who am your King) into question as a Delinquent, I would no longer have opened my mouth on this Argument, but have referred my self to those things which I then spoke, if this onely concerned my own particular; But the duty which I owe to God, to preserve the true liberty of my people; doth not permit me at this time, I should be silent; for how can any free

free born Subject of *England* call his life or any thing he doth poſſeſs his own, if power without law can daily make new, and abrogate the old and Fundamentall Laws of this Land, which I judge to be the preſent caſe? Wherefore when I was brought hither, I expected that you would have ſtudied to ſatisfie me in thoſe Fundamentals, which do hinder me from puting in my Anſwer, to the pretended charge; but ſince I do obſerve, that nothing which I can alledge can perſwade you to it (although negatives are not ſo naturally proved as affirmatives) yet I have thought good to declear unto you the Reaſons for which I am confident, you are not in a capacity to judge me, nor the vileſt man in *England*, for without ſhowing my Reaſons, I will not (as you) be ſo unreaſonable importunate, as to exact either belief or obedience from my Subjects.

Here was I reſtrained, and not ſuffered

ſuffered to ſpeak any more of Reaſons, there is no juſt Proceſſe againſt any man, which deriveth not its authority, either from the Law of God, or from the municipall Laws of the Land.

Now I am moſt ſure, that the Proceſſe at this day made againſt me, cannot be confirmed by the law of God; for on the contrary, the neceſſity of obedience is cleerely confirmed, and ſtreightly commanded in the old and new Teſtament; which if it be denyed, I am prepared preſently to prove it; and as for the queſtion now in agitation, it is ſaid there, *Where the word of a King is, there is power, and who can ſay unto him, what doeſt thou?* Eccleſ: 8.v.4. Then as to the Laws of the land, I am as confident that no learned Lawyer will affirm, that any charge can be brought againſt the King, ſince they all go forth under his name, and it is one of their axioms, that the King cannot do any injury, Moreover the law on which you do ground your proceſſe,

ceſſe, is either old or new, if it be old, ſhew that law unto me, if it be new, tell me what Authority eſtabliſhed by the Fundamentall laws of this land did give it birth and when? but how the Houſe of Commons can erect a Tribunall of Juſtice, which was never one it ſelf (as all Lawyers will confeſſe with me) I leave it to God and to the world to judge; and it will ſeeme moſt ſtrange to any, who ever have heard of the laws of *England*, how they can pretend to make laws without either the King, or the Houſe of Peers.

Nevertheleſſe it be admited, but not granted, that a Commiſſion from the people of *England*, is able to confirm your pretended power, yet I ſee nothing that you can ſhow for it, for I am confident that you never asked that queſtion of the 10th. man in the Kingdome; in this method you do a moſt apparent injury, even to the pooreſt ploughman; if you ask not his conſent, neither can you pretend any

any coluor to this your pretended Commiſſion, if you have not the concurring voyces of at leaſt the greateſt part of this Nation, of every degree and quality, which you are ſo far from obtaining, that I am confident you never ſo much as ſought it,

You ſee then, that I do not onely ſpeake for my own Right, as I am your King, but alſo for the true liberty of all my ſubjects, which conſiſteth not in dividing the power of Government, but in living under ſuch laws, and ſuch a Government, as may grant them the beſt ſecurity of their lives, and the propriety of their goods In this, I ought not to be forgetfull, neither do I forget the priviledges of both Houſes of Parliament, which theſe proceedings do not onely violate, but give an occaſion of the greateſt breaking of the publick faith; and ſuch (I believe) as the like was never heard of before, with which I will not at all, charge both Houſes

ſes, for the pretended crime which they impoſe upon me, are far before the Treaty at *Newport*; in which when I aſſented to, and did conclude as much as poſſibly lay in my power, and did juſtly expect the aſſent of both Houſes, I was ſuddenly taken from thence, and carried a way as a priſoner, and againſt my will, I was hurried hither, and ſince I came to this Court, I cannot with all my Indeavours, defend the ancient laws and liberties of this Kingdome, together with my juſt priviledges, and as much as I can poſſiblely diſcern the upper Houſe, which is the Houſe of Lords, is totally excluded.

And as for the Houſe of Commons, it is to much known, that the greater part of them are either impriſoned, or affrighted from ſitting, ſo that if I had no other Cauſe, this was ſufficient enough to make me Proteſt againſt the authority of your pretended Tribunall. Beſides all theſe things, the

peace

peace of the Kingdome, is not the leaſt part of my cares, and what hope can there be of eſtabliſhing it, as long as power reigneth without the Rule of the law, changing the whole frame of the Government under which this Kingdome hath flouriſhed theſe many ages; neither will I ſpeak what is likely to follow, if theſe unlawfull proceedings ſhall yet continue againſt me; for I believe, the Commons of *England* will give you no thankes for this change, eſpecially, when they ſhall call into their mindes, how happily they heretofore have lived in the Reigns of Queen *Elizabeth*, and of the King my Father, and in my own Reign before the beginnings of theſe unhappy tumults, and they will have a juſt cauſe to doubt, if they ſhall be ſo happy in any new Government.

In that time it will moſt evidently appeare that I onely took up Armes to defend the Fundamentall Lawes of this kingdome

againſt thoſe who oppoſed my power, and totally would have ſubverted the antient Government.

Having ſo briefly declared my Reaſons to you, for which I could nor ſubmit to your pretended Authority, without violation of the Truſt which God hath committed to me for the ſafety, and liberty of my people, I expect from you either clear Reaſons to convince my Judgment by demonſtrating to me that I am in an Error, (and then ſurely, I ſhal be ready to give you an anſwer) or elſe, that you ſuſpend your preſent proceedings.

This I had determined to have ſpoken in *Weſtminſter* Hall on *munday* the two and twentieth of *January*, but againſt Reaſon, I was prohibited to pronounce my Reaſons.

In the year 1648. *Engliſh* ſtyle.
1649. Vulgar ſtile.

The End.

The Speech of King Charls *upon the Scaffold at the gate of* White Hall, *immediately before the execution.* January *the thirtieth.*

ABout ten in the morning, the King was brought from Saint *Jameses* Court, he did walk on foot through the Park, with a Regiment

ment of Foot, one half before him, and the other behinde him, their Colours flying, and their Drums beating, his private guard of Partisan with some of his Gentlemen did go immediately bare headed before him, and some part of them behind him; but those who were next of all unto him behinde, were Dr. *Juxon* and Colonel *Thomlinson*, to the last of whom the care and charge of his Person was committed, these two being barehead did talk with him all along the Park, and as you go up the stairs into the Gallery, and so into the Cabanet chamber, where he used to lye, in which place, he continued at his Devotion, and refused to dine, because he that morning had taken the Sacrament, only about one hour before he came forth he drank one glasse of Claret wine, and did eat a crust of bread about twelve of the clock at Noone.

From thence he was accompanied by Doctor *Juxon*, Col. *Thomlinson*, and other Officers formerly appointed to be his guard, and with the

the private Guard of Partizans, with muſquitiers on either ſide, through the banquetting houſe, at the farther end, on the out ſide whereof, the Scaffold was erected, neer unto the Gate of *White hall.* The Scaffold was hung round with black, and the floore was covered with black, and the Ax, and the Block laid on the middle of the Scaffold. There were ſeverall Companies of Foot, and Troops of Horſe placed on the one ſide of the Scaffold, and the other, and multitudes of people that thronged to ſee ſo rare a ſpectacle were very great.

The King was no ſooner come upon the Scaffold, but he looked very earneſtly on the Block, and asked Col. *Hacker*, if there were no higher, and then ſpake thus, directing his ſpeech chiefly to Colonel *Thomlinſon.*

The

The Kings Majesties most Excellent Speech.

I Shall be very little heard by any of the people, I shall therefore speak a word or two to you who are here. Indeed I could hold my peace very well, if I did not think that my silence would make some men think, that I did submit to the guilt, as well as to the punishment; but I conceive it is my duty, First unto God, and afterwards to my Countrey, to vindicate my self, as an honest man, a good King, and a good Christian.

I shall begin first with my Innocency; Introth, I think it not very needfull for me to insist long upon this, for all the world knows, that I never did begin Warre with the two Houses of Parliament, and I call God to witnesse, to whom I must shortly make my account, that I never did intend to incroach upon their priviledges: they began with me, It was the Militia they began upon, they confessed that the Militia was mine, but they

they thought it fit to have it from me, and to be ſhort, if any man will look to the Dates of Commiſſions, of their Commiſſions or mine; and likewiſe to the Declarations, will find clearly, that they began thoſe unhappy troubles, not I: ſo that as for the guilt of theſe enormous crimes which are laid upon me, I hope in God, that God will clear me of them.

*I am in charity, I will not, and God forbid I ſhould lay it upon the two Houſes of Parliament, there is no neceſſity of either. I hope they are free from the Guilt, for I do believe that evill inſtruments between them and me, have been the chief cauſe of all this bloodſhed, ſo that by way of ſpeaking, as I finde my ſelf clear of this I hope, and I pray God, that they may too; yet for all this, God forbid, that I ſhould be ſo ill a Chriſtian, as not to ſay that Gods judgements are juſt upon me. Many times he does inflict juſtice by an unjuſt Sentence; this is ordinary; I will onely ſay, that an unjuſt Sentence, * That I ſuffered to take effect, is punished now by an unjuſt Sentence upon my ſelf. This is to ſhew you, (as I have ſaid) how far I am an innocent man.*

* Meaning the Earle of Strafford.

Now

Now for to ſhow you, that I am a good Chriſtian, I hope there is a good man, who will bear witneſſe with me, that I have forgiven all the world, and even thoſe in particular, who have been the chief cauſers of my Death; who they are God knows. I do not deſire to know, I pray God forgive them: But this is not all, my charity muſt go further, I wiſh that they may repent; for indeed, they have committed a great ſin in that particular; I pray God with Saint Stephen *that this be not laid to their charge; nay, not onely ſo, but that they may take the right way to the peace of the Kingdome; for my charity commands me not onely to forgive particular men, but my charity commands me to indeavour to the laſt gaſp, the peace of the Kingdome. This Sirs, I do wiſh with all my Soul, and I do hope, (there are ſome * who will carry it further) that they may indeavour the peace of the Kingdome.*

* Pointing at Doctor *Juxon.*

* Turning to ſome Gentlemen who took his Speech in ſhort writing.

Now Sirs, I muſt ſhow you, both how you are out of the way, and I will put you into a way: Firſt, you are out of the way; for certainly, all the way in which as yet you have gone, as I could ever find out by any thing, is in the way of conqueſt; certain-

certainly this is an ill way, for conqueſt, Sirs, in my opinion, is never juſt, except there be a good, juſt cauſe, either for matter of wrong, or to defend a juſt Title, and if in the proſecution of the quarrell, you ſhall go beyond this, it will make that unjuſt at the end, which was juſt at the beginning. But if it be onely matter of conqueſt, therein it is a great robbery, as a pirate ſaid to Alexander, that he was a great robber, and that he himſelf was but a petty robber: and thus Sirs, I do think that the way you are in, is much out of the way; Now Sirs, for to put you in the way, believe it, you will never do right, nor will God ever proſper you, untill you give God his due, and the King his due, that is, in their courſe of time, my Succeſſors, and untill you give the people their due; I am as much for them as any of you are. You muſt give God his due, by regulating a right his Church according to his Scripture; your Church is now out of order, for to ſet you particularly in a way now, I cannot, but only by a Synod of the whole Nation, who being freely called, and freely debating amongſt themſelves, may by Gods bleſſing ſettle the Church, when every opinion is freely and clearly diſcuſſed. For

For the King indeed, I will not much insist— Then turning to a gentleman whose cloak he observed to touch the edge of the Ax, he said unto him, *Hurt not the Ax*, meaning by blunting the edge thereof, *for that he said might hurt him.* Having made this short digression, he proceeded: *For the King, the laws of the land will clearly instruct you, what you have to do; but because it concerns my own particular, I onely do give you but a touch of it.*

As for the People, truly I desire their liberty and freedome, as much as any whosoever; but I must tell you, that their liberty and freedom consists in having of government by those laws, by which their lives, and their goods may be most their own. It is not for them to have a share in Government, that is nothing Sirs, appertaining unto them. A subject and a Sovereign are clean different things; and therefore untill that be done, I mean, untill the people be put into that liberty, which I speak of, certainly they will never enjoy themselves.

Sirs, It was for this, that now I am

come here; If I would have given way to an arbitrary power to have all laws changed according to the power of the ſword, I needed not to have come hither, and therefore I tell you, and I Pray God it be not laid to your charge, that I am the martyr of the people.

In troth Sirs, I ſhall not hold you much longer, I ſhall onely ſay this unto you, that in truth, I could have deſired ſome little longer time, becauſe I had a deſire to put this, that I have ſaid into a little better order, and to have a little better digeſted it than I have now done; and therefore, I hope you will excuſe me.

I have delivered my conſcience, I pray God that you do take thoſe courſes, that are moſt for the good of the Kingdome, and your own ſalvations.

Doct. Juxon. Will your Majeſty although the affection of your Majeſty to religion is very well known; yet to ſatisfie expectation, be pleaſed to ſpeak ſomething for the ſatisfaction of the world.

King. *I thank you very heartily (my Lord) becauſe I had almoſt forgotten it. In troth Sirs, my conſcience in Religion,*

I think is already very well known to all the world; and therefore I declare before you all, that I die a Christian, according to the profession of the Church of England as I found it left by my father; and this honest man * *I think will witnesse it. Then turning to the Officers he said; Sirs excuse me for this same, I have a good cause, and I have a gratious God, I will say no more.* Then turning to Colonel *Hacker*, he said. Take care they do not put me to pain, and Sir this if it please you; but then a gentleman, one Mr *Clerk*, comming neer the Ax, the King said, take heed of the Ax: Then the King turning to the Executioner, said, I shall say but very short prayers, and when I stretch forth my hands —— Then the King called to Doctor *Juxon* for the Nightcap, and having put it on, he said to the Executioner: will my hair trouble you? who desired him to put it all under his Cap, which the King did accordingly by the assistance of the Executioner and the Bishop; the King then turning to Doctor *Juxon* said, I have a good Cause

* Pointing at Dr. Juxon.

Cauſe and a Gratious God on my ſide. *Doctor Juxon*, There is but one ſtage more, This ſtage is turbulent indeed and troubleſome, but very ſhort, and which in an inſtant will lead you a moſt long way from earth to Heaven, where you ſhall finde great Joy and Solace.

King, *I go from a corruptible to an incorruptable Crown, where can be no trouble, none at all.*

Doctor Juxon, You ſhall exchange a temporall Crown for an eternall one, it is a good change.

The King then ſaid unto the executioner, *Is my haire as it ſhould be?* He then did put off his cloak, and his George, which he gave to Doctor *Juxon*, ſaying, *Remember* *. He immediately afterwards, did put off his Doublet, and did put on his cloak again, and looking on the block, he ſaid unto the Executioner, *you ſhould make it to be ſteddie.*

* Pointing at Dr. *Juxon.*

Execut. It is ſo.

King. *It might have been ſomething higher.*

Execut. It cannot be made higher now.

King. *When I ſhall ſtretch forth my hands in this manner, then* ——

After that, when ſtanding, he had ſpoke two or three words unto himſelf, with his hands and eyes lifted up towards Heaven, immediately ſtooped down, he laid his neck upon the Block, and when the Executioner had again put all his hair under his cap. The King ſaid *Stay till I give the ſigne.*

Execut. So I do, if it pleaſe your Majeſty; and after a very little reſpite, the King did ſtretch forth his hands, and immediately the Executioner at one blow did ſever his head from his Body.

Sic tranſit gloria Mundi.

THE

Illegall proceedings against the honourable Colonell *John Penruddock* of *Compton* in *Wiltshire*, and his Speech;

Which he delivered the day before he was beheaded in the Castle of *Exon*, being the 16. day of *May* 1655. to a Gentleman whom he desired to publish them after his death.

Together with his prayer upon the Scaffold and the last Letter he received from his verteous Lady, with his answer to the same.

Also the speech of that Piously resolved Gentlemen, *Hugh Grove* of *Chisenbury* in the parish of *Enford*, and County of *wilts*, Esquire, beheaded there the same day.

Printed by order of the Gent. intrusted, 1660.

Col. *Penruddock* being writ to by a friend for an account of his triall, writ as followeth.

SIR,

THough I received your deſires ſomething too late, it being but two days before notice given me from the Sheriff of the day of my expiration, for I cannot call this an execution, it being for ſuch a cauſe; yet in order to your ſatisfaction, I have borrowed ſo much time from my more ſerious Meditations, as to give you this ſhort account of my Triall, wherein you muſt excuſe, both the brevity and imperfections, it being but the iſſues of a bad memory.

UPon *Thurſday* the 19. *April* 1655. the Commiſſioners of *Oyer* and *Terminer*, being ſate in the Caſtle of *Exon*, ſummoned before them my ſelf, Mr. *Hugh Grove*, Mr. *Richard Reeves*, Mr. *Robert Duke*, Mr. *George Duke*, Mr. *Thomas Fitz-James*, Mr. *Francis Jones*, Mr. *Edward Davis*, Mr. *Thomas Poulton*, and Mr *Francis Ben-*

net. Being all called to the Barre, we were commanded to hold up our hands, and an Indictment of high treason was read against us: and being asked whether we would plead guilty or not guilty to the Indictment; in the behalf of my self and of the Gentlemen therein charged, I spake as followeth.

Col. Penruddock. My Lords, though my education hath been such as not to give me those advantages which the knowledge of the Laws would assisted me with, for the defending my self: yet upon hearing this very indictment, my reason tells me, that it is illegall: and therefore I do demand Councell that may dispute the illegality thereof.

Serjeant Glyn. Sir, you desire that which cannot be granted, therefore give your answer whether you are guilty or not guilty of the Treason of which you stand charged.

Col. Pen. Sir by your favour, it is that which hath been granted to my inferiors, (*viz*) to *Mr. Lilburn* and

and to one *Rolf* a Shoemaker, and I have as great a right to the Lawes as any perſon that ſits here as my Judge; I do therefore challenge it as my right. Judge *Nicholas* whom I there ſee, will tell you he himſelf was councell for this *Rolf*: and it is a hard caſe, if a free-born Gentleman of *England* cannot have the ſame privilrdge that his inferiors have had before him.

Attorney Generall. Sir, there is a great difference between Treaſon acting and acted; the later is your caſe: therefore flatter not your ſelf, and do not think your being mute ſhal ſave your eſtate in caſe of treaſon; for if you plead not to the indictment, ſentence will be pronounced againſt you, as if you had been found guilty of the fact you are charged with.

Col. Pen. Sir, I obſerve your diſtinction: but all the Logick you have, ſhall not make me nor any Rationall man acknowledge, that this was either acting or acted, before it be proved. Sir, it is but a

bare ſuſpicion, and I hope you will not condemne me before I am convicted: I ſay the Indictment is illegall, and I do demand Councell.

At. Gen. Sir, the Court muſt not be dallied withall: I do peremtorily demand of you, are you guilty or not guilty? If you plead, you may have favour, otherwiſe we ſhall proceed to ſentence.

Col. Pen Sir, put caſe I do plead, ſhall I then have Councell allowed me?

At. Gen. Sir, the Court makes no bargains, refer your ſelf to us.

Hereupon my fellow-priſoners perſwaded me to plead not guilty: which being done, I demanded Councell, as being partly promiſed it. *Mr.* Attorney told me: I could have none. Then I replyed?

Col. Pen. Sir, *Durus eſt hic ſermo*, it is no more then I expected from my ons, but rather then I will be taken off unheard, I will make my own defence as well as I can. The Jurors being then called, I challenged about

bout 24 of the 35 I might have challenged. The reſt of the Gentlemen were ſent from the bar; I was left alone upon my triall; and the Jurors were ſo pact, that had I known them, the iſſue had been the ſame that it was. The Jurors being ſworn, and the Indictment again read, *Mr.* Atturney demanded what exception I could make to it.

Col Pen. Sir, I except againſt every part thereof: For I take it to be illegall *in toto Compoſito.*

Recorder Steel. Sir, It is not uſual for any Court to admit of generall exceptions, therefore we expect that you ſhould make it to ſome particular.

Col. Pen Sir. I deſire a Copy of my Indictment, and time untill to morrow to make my defence.

At Gen. Sir, You cannot have it; the Court expects you ſhould do it now.

Col. Penruddock, Then if I cannot have time, if my Generall exception might have been admitted, it would have told you, that there can be no high Treaſon in this nation, but it

must

must be grounded upon the Common, or the Statute law: But this is neither ground upon the Common Law or the *Statute ergo* no Treason (against a Protector who hath no power according to Law:) neither is there any such thing in Law as a Protector, for all Treasons, and such pleas are *Propria Causa Regis.*

Ser. Glyn. Sir, You are peremptory, you strike at the Government; you will fare never a whit the better for this speech: speak as to any particular exception you have to the Indictment.

Col. Penruddock, Sir, If I speak any thing which grates upon the present Government, I may confidently expect your pardon: my life is as deare to me, as this Government can be to any of you The holy Prophet *David* when he was in danger of his life, feigned himself mad, & the spittle hung upon his beard; you may easily therefore excuse my imperfections. And since I am now forced to give you my particular exception

exception (more plainly) to the Indictment, I am bold to tell you, I observe in the latter part of the Indictment, you say I am guilty of High Treason by vertue of a statute in that case made and provided. If there be any such Statute, pray let it be read; I know none such. My Actions were for the King; and I well remember what *Bracton* saith, *Rex non habet superiorem nisi Deum; satis habet adpœnam, quod Deum expectat ultorem.* And in another place he saith, *Rex habet potestatem & jurisdictionem super omnes qui in regno suo sunt: ea quæ sunt jurisdictionis & pacis, ad nullum pertinent, nisi ad regiam dignitatem: habet etiamcoertionem, ut delinquentes puniat & coerceat:* Again he saith, *Omnes sub Rege, & ipse nullo nisi tantum Deo; non est inferior sibi subjectis; non parem habet in regno suo.* This shewes us where the true power is. You shall finde also.

That whosoever shall refuse to aid the King when war is levied against him, or any that keep the King

King from his just Rights; offends the law, and is thereby guilty of Treason. Again,

All men that adhere to the King in personall service are freed from Treason by Law: and yet you tell me of a *Statute*, which makes my adhering to the King according to Law, to be high Treason. *Pray* let it be read.

At. Gen. You have not behaved your self so as to have such a favour from the Court.

Col. Pen. Sir, I require it not as a favour, but as my Right.

At. Gen. Sir, you cannot have it.

Col. Pen. If I cannot have it, these Gentlemen that are the Jurors have not offended you: their verdict reaches to their souls, as to my life: pray let not them go blindfold, but let that *Statute* be their guide.

At. Gen. Sir, The Jury ought to be satisfied with what hath been already said, and so might you too.

Col. Pen. Sir, I thank you: you now

now tell me what I muſt truſt to.

Mr Atturny then made a large ſpeech in the face of the Court, wherein he aggravated the offence with divers circumſtances; as ſaying I had been four years in *France*, and held a coreſpondency with the King my Maſter, of whom I had learned the Popiſh Religion; That I endeavoured to bring in a debauched lewd young man, and to engage this Nation in another bloody war; and that if I had not been timely prevented, I had deſtroyed them (meaning the Jurors) and their whole families. I interrupted him, and ſaid.

Col. Pen. Mr Atturny, you have been heretofore of Councel for me, you then made my caſe better then indeed it was; I ſee you have the faculty to make men believe falſehoods to be truth too.

At. Gen. Sir, You interrupt me, you ſaid but now, you were a gentleman.

Col. Pen. Sir, I have been thought worthy

worthy heretofore to ſit on the bench, though now I am at the bar Mr. Attorny then proceeded in his ſpeech and called the witneſſes. Then I ſaid,

Sir, You have put me in a bears skin, and now you will bait me with a witneſſe. But I ſee the face of a gentleman here in the Court, (I mean Captain *Crook*) whoſe conſcience can tell him, that I had articles from him, which ought to have kept me from hence. Captain *Crook* hereupon ſtood up, and his guilty conſcience (I ſuppoſed) adviſed him to ſit down again, after he had made this ſpeech, (that is to ſay) he opened his lips and ſpake nothing. The ſeverall witneſſes now come in, Mr *Dove* the Sheriff of *Wilts*, and others; my charity forbids me to tell you what many of them ſwore: I ſhall therefore omit that, and onely tell you, that one of our own party (and indeed I think an honeſt man) being forced to give his evidence, I ſaid MyLords, it is a hard caſe, that when you finde

find you cannot otherwiſe cleave me in pieces, that you muſt look after wedges made of my own timber. The vertuous Cryor of *Blandford* being asked what were the words I uſed in proclaiming King *Charles* at the market, he ſaid, I declared for *Charles* the Second, and ſetling the true Proteſtant Religon, for the liberty of the Subject, and Priviledge of Parliaments.

Then I ſaid unto the Attorny Generall and the whole Court, you ſaid even now, that I had learned of the King my Maſter the Popiſh religon, and endeavoured to bring him in: your own witneſs tells you what, and whom I would bring in, and it was the true Proteſtant, and not the Popiſh Religon, his Maieſtie is of, and intends to ſettle. I urged divers caſes to make the buſineſſe but a Riot (as my Lord of *Northumberlands*) pretending it was for the taking of Taxes, and that the power was not declared to be where they ſay it is. I required the Judges to be of Councell for me,

and

& told them it was their duty. Commissioner *Liste* told me I should have no wrong, (but he meant Right) but Judge *Rolls* and *Nicholas* confessed themselves parties, therefore would say nothing Then I told the Court, if I had seen a Crown upon the head of any person, I had known what had been Treason, the Law of *England* would have taken hold of me out of the respects it has to Monarchy: There was no such land-marks before me: therefore I conceive, I cannot be guilty of what I am charged with. And my Lord and Mr. Atturney, you here indict me for a Treason committed at *Southmoulton* in *Devonshire*; and gentlemen ye swear witnesses against me for facts done in other Counties. *Sarum*, *Blanford*, and *Southmoulton* are not in a parish. You puzzle the Jurors with these circumstances, pray go to the kernell; and you Gent of the Jury, save your labour of taking those notes. Mr. Atturney then addressed himself to the Jury, and to be short, after the space

ſpace of halfe an houre long, gave them directions to bring me in guilty: this being done, I craved the favour from the Court, that I might ſpeak to the Jury; which being allowed, I ſaid to them as followeth, or to the ſame effect.

Gent. You are called a Jury of life and death; and happy will it be for your ſouls, if you prove to be a Jury of life. You have heard what hath been ſaid to make my actions Treaſon, and with what vigor many untruths have been urged to you. I have made appear to you, that there can be no Treaſon but againſt the King; that the Law knowes no ſuch perſon as a Protector. Mr. Atturney pretends a Statute for it, but refuſeth the reading thereof, either to me or you; vilifies me at pleaſure, and tells you I am a Papiſt, and would bring in the Popiſh Religon: and that if I had not been timely prevented, I had deſtroyed you, I hope you are alſo ſatisfied of the contrary, from the mouth of one of

the beſt witneſſes. You are now judges between me and theſe judges. Let not the majeſty of their looks, or the glory of their habits betray you to a ſinne, which is of a deeper dye then their ſcarlet; I meane that ſinne, bloud, which calls to heaven for vengence. Gent. you doe not ſee a hair of my head but is numbred, neither can you make any one of them; much leſs can you put breath into my noſtrils when it is taken out: a ſparrow doth not fall to the ground without the providence of God, much leſſe ſhall man, to whom he hath given dominion and rule over all the creatures of the earth. Gent. look upon me, I am the Image of my creatour, and that ſtamp of his which is in my vizage, is not to be defaced without an account given, wherefore it was, I have here challenged, as I am a Gentleman and free-born man of *England*, the right which the law allowes me; I demanded a copy of my Indictment, and Councell, but it is denied me. The Law which I would have

have been tried by, is the known Law of the land, which was drawn by the wiſe conſultation of our Princes, and by the ready pens of our Progenitours. The Law which I am now tried by is no Law, but what is cut of by the poynt of a rebellious ſword; and the ſheets in which they are recorded, being varniſhed with the moiſture of an eloquent tongue, if you look not well to it, may chance to ſerve for ſome of your *S*hrouds. If the fear of diſpleaſing others ſhall betray you to find me guilty of any thing, you can at the moſt, but make a riot of this. Pray by the way take notice, that the laſt Parliament would not allow the Legiſlative power to be out of themſelves; ſeventeen of twenty in this very County were of that opinion, and deſerted the houſe: they were your Repreſentative: if you finde me guilty, you bring them in danger, and in them your ſelves. Have a care of being drawn into a ſnare. Gent. your bloud may run in the ſame channel with mine. If what I have ſaid, do

have been tried by, is the known not satisfie you, so as to aquint me, if you bring me in a speciall verdict, you do in some measure acquit your selves, and throw the bloud that will be spilt upon the Judges; Consider of it, and the Lord direct you for the best.

The Jury after a quarter of an houres retirement, brought me in guilty: the Lord forgive them, for they knew not what they did.

Upon *Monday* the 23 of *April* we were again called to the bar, being then in number twenty six. Serjeant *Glyn* asked of me first, what I could say for my self, that I should not have sentence according to the Law? Then I said,

My Lords & Gentlemen you ask what I can say for my selfe, that should not have sentence passe upon me. The Jury found me guilty; if I should go about to make a defence now, it would signifie no more then as if my friends should petition for my pardon after I am excuted. I could have offered you articles here but I thought them inconsistent with

with this Court. When I look upon my offence (as to the Protectour) I conclude myſelf a dead man; but when I reflect upon the favour he hath ſhewed to others of my condition, and the hopes *I* have of your interceſſion, me thinks I feel my ſpirits renewed again. My Lords, death is a debt due from Nature; has now the keeping the bond and has put it in ſuit by his Attorny: if he pleaſe to forbear the ſerving me with an execution, and let me keep it a little longer, I will pay him the intereſt of thanks for it, as as long as I live, and engage my poſterity and a numerous allyance to be bound for me. So the Lord direct you all for the beſt. If I have found favour I ſhall thank you; if not, I ſhall forgive you.

This being done, Serjeant *Glyn* after a moſt bitter and nonſenſicall ſpeech, gave ſentence againſt us; (*viz*) to be drawn hanged and quartred. A prety exchange for unworthy *Crooks* Articles for life, liberty and eſtate; which I can

prove, and will die upon. My triall held at leaſt five hours. This is as much as at preſent I can remember of it; excuſe the errours.

One of the Jury being asked by a Gent. why he found me guilty, anſwered, He was reſolved to hang me before he did ſee me.

I obſerve treaſon in this age to be an *individuum vagum*, like the wind in the Goſpel, which bloweth where it liſteth; for that ſhall be treaſon in me to day, which ſhall be none in another to morrow, as it pleaſeth Mr Attorny.

* *witneſſe one* Benner *and* Stroud *who in open Court confeſſed to be guilty of all they proved againſt me yet Mr Attorney gave the Jury directions to find them not guilty*

The* Judges are ſworn to do juſtice according to the Laws of the Land, and therefore have miſerably perjured themſelves in condemning me contrary to Law: And (not ſo contented) muſt cauſe the Jury (ſo wiſe they were) (through their falſe and unjuſt directions to deſtroy their own rights and properties, and ſet up a new Arbitrary and Tyrannicall government.

The Judges would not give me their

their advice in point of *Law*, (as was their duty) because they said they were parties; yet could sit still on the Bench in their Robes, to countenance (and approve of) my *Sentence*.

No man can be a Judge where he is a *Party* in the same cause; therefore my tryall was contrary to Law.

The Judges being parties, ought not to sit upon the bench (but stand by;) therefore my triall was illegall: the rest being no Judges but the Protectours immediate servants, so could not be my Judges in case of High Treason; for none but the sworn Judges of the Land are capable of it by Law.

*Hobart *folio* 120. *Dact.* Bonames *case* 8 *part of* Cooks *reports.*

One thing of Colonel *Dove* the reverend Sheriff of *Wilts*, who that the Jury might be sufficiently incensed, complaining of the many incivilities (he pretended) were offered him by our party, being upon his Oath, said that one of our men did run him through the side with a Carbine, Surely it was a very small one, for the wound was not discernable.

A

A great deal of paines every man in his place took for the carrying on their Masters work.

Be mercifull unto me O Lord, be mercifull unto me; under the shadow of they wings will I hide my selfe till this Tyranny be overpast.

Glory be to God on High, in earth peace good will towards men; and so have mercy on me, O Lord.

JOHN PENRUDDOCK

Mrs. *Penruddock's* laſt letter to her honourable and dear Husband.

My dear heart,

MY ſad parting was ſo far from making me forget you, that I ſcarce thought on my ſelf ſince, but wholy upon you. Thoſe dear embraces which I yet feel, and ſhall never looſe being the faithfull teſtimonies of an indulgent husband, have charmed my ſoul to ſuch a reverence of your remembrance, that were it poſſible, I would with my own blood cement your dead limbs to

life

life again, and (with reverence) think it no sin to rob heaven a little while longer of a Martyr. Oh my dear! you must now pardon my passion, this being my last (oh fatall word!) that ever you will receive from me. And know that untill the last minuit that I can imagine you shall live, I will sacrifice the prayers of a Christian, and the grones of an afflicted wife: And when you are not, (which sure by sympathie I shall know) I shall wish my own dissolution with you, that so we may go hand in hand t heaven: Tis to late to tell you what I have (or rather have not) done for you; how turned out of doores, because I came to beg mercy: the Lord lay not your blood to their charge. I would fain discourse longer with you, but Passion begins to drown my Reason, and will rob me of my devoire, which is all I have left to serve you Adieu therefore, ten thousand times my deareſt dear, and since I must never see you more, take this prayer; May your Faith be so strengthened, that your Constancy may continue; and then I know that heaven will receive you, whether grief

and

and love will in a ſhort time (I hope) tranſlate.

My dear,

May the 3. at 11 at clock at night

Your ſad, but conſtant wife even to love your aſhes when dead,

Arundel Penruddock.

Your children beg your bleſſing, and preſent their duties to you.

The laſt letter from the honourable Colonel Penruddock, *in anſwer to his vertuous Lady.*

MY DEAREST HEART,

I Even now received thy farewell letter: each word whereof repreſents unto me a moſt lively Embleme of your affection, drawn with thy own hand in water colours, to the figure of a deaths head. My dear, I imbrace it, as coming firſt from God, and then from Man: *for what is there done in this City that the Lord hath not permitted?* I look upon every line of thine, as ſo many threads twiſted together in to that of my life, which being now woven, my meditations tells me, will make a fit remnant for my winding ſheet. Upon the reading thereof, I may ſay with the Prophet, *I ſhould have utterly fainted, but that I believe verily too ſee the goodneſſe of the Lord in the land of the living.* As this is mine, my

my dear, ſo let it be thy conſolation. When I think what a wife and what children I go from, and look no further, I begin to cry, *O wretched thy that I am*! But when my thoughts ſoar higher, and fix themſelves upon thoſe things which are above, where I ſhall find, God my Creatour to my *Father*, and his Son my Redeemer to my Brother, (for ſo they have vouchſafed to term themſelves;) then I lay aſide thoſe relations, and do of all love my dear deſire thee, not to look towards my grave where my Body lies, but toward the heaven, where I hope my Soul ſhall gain a Manſion in my Fathers houſe. I do ſtedfaſtly believe, that God hath heard the prayers of my friends, and thine, and mine: and how knoweſt thou O woman, whether thou haſt not ſaved thy husband? Let thoſe conſiderations raiſe thy ſpirit, I beſeech thee; and that for Gods ſake and mine. Though I ly among the children of men, which are ſet on fire againſt me; yet under the ſhadow

of the Almighties wings, I will hide my ſelfe till this tyranny be over-paſt. The greateſt conflict I have had in this extremitie, was my parting with thee: the next encounter is to be with Death; and my Saviour hath ſo pulled out the ſting thereof, that I hope to aſſault it without fear. Though the Armes of men have been too hard for me, yet I am now lifting my ſelfe under the conduct of my Soveraign, and an Army of Martyrs, that the gates of hell cannot prevaile againſt. My dear, I have now another ſubject to think on, therefore you muſt excuſe the imperfections you finde here. I have formerly given you directions concerning my children, to which I ſhall refer you. May the bleſſing of Almighty God be upon thee and them, and may there not want a man of my name to be ready to be a ſacrifice in this cauſe of God, and his Church, ſo long as the Sun and Moon ſhall endure. I ſhall now cloſe up all, with deſiring you to give a teſtimony for me to the world, that

I

I die with ſo much Charity, as to forgive all my enemies. I will joyn them in my laſt prayers, for my friends: Amongſt which, you and my children are for my ſake obliged to pay a perpetuall acknowledgment to Mr *Rolles* and his Lady, and my couſin * *Mr Sebaſtine Iſack*,

* Nota bene. *Mr Sebaſtine Iſack although he ſeemed very ſollicitous for Colonel* Penruddock *in his life, ſince his death hath been very unmyndfull to his memory (contrary to his promiſe, to the ſaid Colonel, in his life) and hath done contrary to the will of the dead, the truſt repoſed in him, the principle of honour and much unbecoming a Gent.*

for their great ſollicitations on my behalf. If I ſhould forget this City of *Exeter* for their civilities to my own ſelfe in particular, and indeed to all of us, I ſhould leave a reproach behind me. I will give them thanks at my death; and I hope you and yours will do it when I am dead. My dear heart, I once more bid the adieu, and with as much love and ſincerity

sincerity as can be imagined, subscribe my selfe.

Thy dying and

loving Husband

John Penruddock.

Exon May 7 and the

* last year and day of my

date being the year of

my Saviour 1655.

* Note, when this letter was writ, Colonel *Penruddock* did not know other then that he was to die the same day.

The

The ſpeech of the Honourable Colonell Penruddock, *the greateſt part whereof he delivered upon the Scaffold in Exon Caſtle the 16. day of* May, 1655. *the whole he left with a Gent. and friend of his, written with his own hand; which is as followeth.*

Together with the manner of his being beheaded.

As he was aſcending the Scaffold, baring his knees, and humbly bowing him himſelfe, he uſed theſe words; This I hope will prove to be like *Jacobs* ladder; though the feet of it reſt on earth, yet I doubt not, but the top of it reacheth to Heaven.

When he came upon the Scaffold, he ſaid.

O wretched man that I am, who ſhall deliver me from this body of death? I thank God who hath given me victory though our Lord Jeſus Chriſt.

Then with a bundance of Chriſtian chearfullneſſe he ſpake to the people as followeth.

GENTLEMEN,

IT hath ever been the Custome of all persons whatsoever when they come to die, to give some satisfaction to the world, whether they be guilty of the fact of which they stand charged. The crime for which I am now to die, is Loyalty, (but) in this age called high Treason. I cannot deny, but that I was at South-moulton in this County: but whether my being there, or my action there, amount to so high a crime as high Treason; I leave to the world and the Law to judge. Truly, if I were conscious to my self of any base ends that I had in this under taking, I would not be so jurious to my own soul, or disingenuous to you, as to make a publick acknowledgement thereof. I suppose that divers persons, according as they are by their severall intrests & relation biassed, give their opinions to the world concerning us, I conceive it impossible therefore so to expres my self in this particular, as not to expose both my judgement and reputation to the censure of many which I shall leave behind me. Because I will not put others (therefore) upon a breach

of

of charity concerning me or my actions, I have thought fit to decline all diſcourſes which may give them a capacity either to injure themſelves or me. My Tryall was publick and my ſeverall examinations (I believe) will be produced when I am in my grave. I will refer you therefore to the firſt, which I am ſure ſome of you heard, and to the later, which many of you (in good time) may ſee. Had Captain Crook *done himſelf and us that right which a Gentleman and a Souldier ought to have done, I had not now been here. The man I forgive with all my heart: but truly Gent his proteſting againſt thoſe Articles he himſelf with ſo many proteſtations and importunities put upon us, hath drawn ſo much diſhonour and blood upon his own head, that I fear ſome heavy judgement will purſue him. Though he hath been falſe to us, I pray God that I doe not prove a true prophet to him.*

Nay, I muſt ſay more, that coming on the road to Exon, *he the ſaid Captain* Crook *told me, Sir* Joſeph Wagſtaffe *was a gallent Gentleman, and that he was ſorry that he was not taken with us;*

that then he might have had the benefit of our Articles: but now (said he) I have beset all the Country for him, so that he cannot escape, but must be hanged

He also questioned me, as I passed through Salisbury from London, whether he had given me conditions. Which I endeavoring to make appear to Major Butler: he interrupted me, and unwillingly confessed it, saying, I profered him four hundred pounds to performe his Articles: which had been a strange profer of mine, had I not really conditioned with him. And I told him then (having found him unworthy) I would have given him five hundred pounds, believing him to be mercenary. To make it further appear, I injure him not by styling him unworthy, after these Articles were given he profered to pistol me, if I did not perswade another house to yield, which then were boldly resisting. To which my servent John Biby (now a prisoner) replyed, I hope you will not be so unworthy, as to break the Law of Arms.

Thus much I am obliged to say to the honour of the Souldery, that they have been so far from breaking any Articles given

given to others, that they have rather bettered them then otherwiſe.

It is now our misfortune to be made preſidents and examples together, but I will not do the Protectour ſo much injury as to load him with this diſhonour; ſince I have been informed, that he would have made our conditions good, if Crook *that gave them had not abjur'd them.*

This is not a time for me to inlarge upon any ſubject, ſince I am now become the Subject of death: But ſince the Articles were drawn by my hand, I thought my ſelfe obliged to a particular Juſtification of them.

I could tell you of ſome ſouldiers which are turned out of his troup for defending thoſe conditions of ours: but let that paſs; and henceforward inſtead of life, liberty and eſtate (which were the Articles agreed upon) let drawing, hanging and quartring bear the Denemination of Captain Crooks *Articles.*

However I thank the Protectour for granting me this honourable Death.

I ſhould now give you an accompt of my Faith. But truly gentlemen, this poor Nation is rent into ſo many ſeveral opinions,

that it is impossible for me to give you mine without displeasing some of you. However, if any be so criticall as to inquire of what Faith I die, I shall refer him to the Apostles, Athanasius, *and the* Nicene Creed, *and to the testimony of this Reverend gentleman Dr.* Short, *to whom I have unbosomed my self: and if this do not satisfie, look in the thirty nine Articles of the Catholick Church of* England; *to them I have subscribed and do own them as authentick.*

Having now given you an account concerning my self; I hold my selfe obliged in duty to some of my friends, to take off a suspicion which lyes upon them: I mean as to some persons of Honour, which upon my examination I was charged to have held correspondency with. The Marquesse of Hartford, *the Marquesse of* Winchester, *and my Lord of* Pembrook *were the persons nominated to me. I did then acquit them, and do now second it with this protestation, That I never held any correspondence with either or any of them, in relation to this particular businesse, or indeed to*

any

anything which concerned the Protector or his Government: As for the Marqueſſe of Wincheſter, *I ſaw him ſome twelve years ſince, and not later; and if I ſhould ſee him here preſent, I believe I ſhould not know him. And for the Earle of* Pembrook, *he was not a man likely to whom I ſhould diſcover my thoughts, becauſe he is a man of a contrary judgment.*

I was examined likwiſe concerning my Brother Freke, *my Couſin* Haſtings, *Mr* Dorrington *and others. It is probable their eſtates may make them lyable to this my condition: but I do here ſo far acquit them, as to give the world this farther proteſtation; that I am confident they are as innocent in this buſineſſe as the youngeſt child here.*

I have no more to ſay to you now, but to let you know, that I am in charity with all men; I thank God: I both can and do forgive my greateſt perſecutors, and all that ever had any hand in my death.

I have offered the Protectour as good ſecurity for my future demeanour as I ſuppoſe he could have expected if he had

thought fit to have given me my life; certainly I should not have been so ungratefull as to have imployed it against him. I do humbely submit to Gods pleasure, knowing that the issues of life and death are in his hand. My blood is but a small sacrifice, if it had been saved, I am so much a Gentleman as to have given thanks to him that had preserved it; and so much a Christian, as to forgive them which take it. But seeing God by his providence hath called me to lay it down, I willingly submit to it, though terrible to nature; but blessed be my Saviour, who hath taking out the sting; so that I look upon it without terrour. Death is a debt, and a due debt; and it hath pleased God to make me so good a Husband, that I am come to pay it before it is due. I am not ashamed of the cause for which I die, but rather rejoyce that I am thought worthy to suffer in the defence & cause of Gods true Church, my lawfull King, the liberty of the subject, and Priviliege of Parliaments: Therefore I hope none of mine alliance & friends will be ashamed of it, it is so far from pulling down my Family, that I look

upon

upon it as the raising it one story higher. Neither was I so prodigall of nature as to throw away my life, but have used (though none but honourable and honest) means to preserve it.

These unhappy times indeed have been very fatall to my family: two of my Brothers already slain, and my self going to the slaughter: it is Gods will, and I humbly submit to that providence.

I must render an acknowledgment of the great civilities that I have received from this City of Exon, and some persons of quality, and for their plentiful provision made for the prisoners. I thank Mr. Sheriff for his favour towards us, in particular to my self; and I desire him to present my due respects to the Protectour, and though he had no mercy for my self, yet that he would have respect to my family.

I am now striping off my cloaths to fight a duell with death, (I conceive no other duell lawfull) but my Saviour hath puld out the sting of this mine enemy, by making himself a sacrifice for me: And truly I do not think that man deserving one drop of his bloud, that will

will not ſpend all for him in ſo good a cauſe.

The truth is, Gentlemen, in this age, Treaſon is an Individuum vagum, *like the wind in the Goſpell, it bloweth where it liſteth: So now treaſon is what they pleaſe, and lighteth upon whom they will. Indeed no man, except he will be a Traitour, can avoid this Cenſure of Treaſon: I know not to what end it may come, but I pray God my own, and my brothers bloud that is now to die with me, may be the laſt upon this ſcore.*

Now Gentlemen, you may ſee what a condition you are in without a King: you have no law to protect you, no rule to walk by; when you performe your duty to God, your King and Countrey, you diſpleaſe the Arbitrary power now ſet up: (I cannot call it government.) I ſhall leave you to peruſe my triall, and there you ſhall ſee, what a condition this poor Nation is brought into; and (no queſtion) will be utterly deſtroyed, if not reſtored (by Loyal Subjects) to its old and glorious Government. I Pray God he lay not his Judgement upon England *for their ſluggiſhneſſe in doing their duty, and rea-*

dineſs

dineſſe to put their hands in their boſomes, or rather taking part with the Enemy of Truth. The Lord open their eyes, that they may be no longer lead, or drawn into ſuch ſnares: elſe the Child unborn will curſe the day of their Parents birth.

God Almighty preſerve my lawful King Charles *the ſecond, from the hands of his Enemies, and breake down the wall of Pride and Rebellion, which ſo long hath kept him from his juſt Rights. God perſerve his Royal Mother, and all his Majeſties Royall Brethren, and incline their hearts to ſeek after him. God incline the hearts of all true* Engliſh *men, to ſtand up as one Man to bring in the King; and Redeem themſelves and this poor Kingdome, out of its more then* Egyptian *ſlavery.*

As I have now put off theſe garments of cloth, ſo I hope I have put off my garments of ſin, and have put on the Robes of Chriſts Righteouſneſſe here, which will bring me to the enjoyment of his glorious Robes anon.

Then he kneeled down and kiſſed the block, and ſaid thus: I commit my ſoul

to

to God my Creatour and Redeemer. Look on me, O Lord at my last gasping. Here my prayer, and the prayers of all good people. I thank thee, O God for all thy dispensation towards me.

Then kneeling down, he prayed most devoutly, as followeth.

O Eternal, Almighty, and most mercifull God, the Righteous Judge of all the world, look down in mercy on me a miserable sinner. O blessed Jesus Redeemer of Mankind, which takest away the sinnes of the world, let thy perfect manner of obedience be presented to thy Heavenly Father for me. Let thy precious death and bloud be the Ransome and satisfaction of my many and hainous transgressions. Thou that sittest at the right hand of God, make intercession for me. O holy and blessed Spirit, which art the comforter, fill my heart with thy consolation, O holy, blessed, and glorious Trinity, be mercifull to me, confirm my faith, in the promises of the Gospel, revive and quicken my hope and expectation of joyes, prepared for true and faithfull servants. Let the infinite Love of God my Saviour make my love to him stedfast, sincere

ſincere, and conſtant.

O Lord conſider my condition, accept my tears, aſſwage my grief, give me comfort and confidence in thee: impute not unto me my former ſinnes, but moſt mercifull Father receive me into thy favour for the merits of Chriſt Jeſus. Many and grievous are my ſinnes, for I have ſinned many times againſt the light of knowledge againſt remorſe of conſcience, againſt the motions and opportunities of grace. But accept I beſeech thee, the ſacrifice of a broken and contrite heart, in and for the perfect ſacrifice, oblation, and ſatisfaction of thy Son Jeſus Chriſt. O Lord receive my ſoul after it is delivered from the burthen of the fleſh into perfect joy in the ſight and fruition of thee. And at the generall reſurrection grant that my body may be endowed with immortality, and received with my ſoul into glory

I praiſe thee O God, I acknowledge thee to be the Lord O Lamb of God, that takeſt away the ſins of the world, have mercy on me. Thou that ſitteſt at the right hand of God, hear my prayer. O Lord Jeſus Chriſt, God and Man, Mediatour

diatour betwixt God and Man, I have sinned as a Man; be thou mercifull to me as a God. O holy and blessed Spirit, help my infirmities, with those sighs and groans which I cannot expresse.

Then he desired to see the Axe, and kissed it, saying, I am like to have a sharp passage of it, but my Saviour hath sweetned it unto me.

Then he said, if I would have been so unworthy as others have been, I suppose, I might by a lie have saved my life which I scorn to purchase at such a rate. I defie such temptations, and them that gave them me.

Glory be to God on high: On Earth peace: Good will towards Men. And the Lord have mercy upon my poor soul. Amen.

So laying his Neck upon the block, after some private Ejaculations, he gave the Heads-man a sign with his hand, who at one blow, severed his head from his body.

The

The Speech of that piously resolved Hugh Grove *of* Chiſenbury *in the pariſh of* Enford *and County of* Wilts *Eſquire, beheaded the* 16 *day of* May, 1655. *in the Caſtle at* Exon

Good people.

I Never was guilty of much Rhetorick, nor ever loved long Speeches in all my life, and therefore you cannot expect either of them from me now at my death. All that I ſhall deſire of you, beſides your hearty prayers for my ſoul, is; That you will bear me witneſs, I die a true ſonne of the Church of *England*, as it was eſtabliſhed by King *Edward* the ſixth, Queen *Elizabeth*, King *James*, and King *Charles* the firſt of ever bleſſed memory: That I die a Loyall

all Subject to King *Charles* the second, my undoubted Soveraign and a lover of the good old Laws of the Land, the just Priviledges of Parliaments, and Rights and Liberties of the People; for the re-establishing of all which I doe undertake this engagement, and for which I am ready to lay down my life. God forgive the bloudy minded Jury, and those that procured them: God forgive Captain *Crook* for denying his Articles so unworthily: God forgive Mr. *Dove*, and all other persons swearing so maliciously and falsely against me: God forgive all my enemies; I heartily forgive them. God blesse the King and all that love him, turn the hearts of all that hate him; God blesse you all, and be mercifull to you and to my soul, Amen.

And so meekly laying his neck to the block, and giving a signe, his head at one blow, and a draw of the axe, was severed from his bodie.

FINIS.